

## **CHAPTER 13 ZONING ORDINANCE**

### **SECTION 13.0100--INTRODUCTION**

#### **13.0101 AUTHORITY**

This ordinance is adopted under the authority granted by Sections 59.971, 62.23 (7), 62.231, 87.30, and 144.26 of the Wisconsin Statutes as amended. (AMENDED 6/25/96--ORDINANCE NO. E-331)

#### **13.0102 TITLE**

This ordinance shall be known as, referred to, and cited as the "**ZONING ORDINANCE**", of the CITY OF HARTFORD, WISCONSIN.

#### **13.0103 PURPOSE**

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, and general welfare of the residents of the City of Hartford, Wisconsin.

#### **13.0104 INTENT**

It is the general intent that this chapter of the Codes and Ordinances of the City of Hartford (Zoning Ordinance) be used in the regulation and mapping of zoning district classifications as set forth herein and in such mapping reflect the existing, most restrictive, or imminent use(s) within the mapped area at the time of initial mapping or amendments thereto. Eminent means the commencement of physical development or construction on an individual property within a reasonable construction period--usually 18 months following rezoning of the property for the proposed new use. It is not the intent that the zoning district maps, which are an integral part of this chapter, substitute in whole or in part for the long-range plans for the City. Such long-range plans are encompassed within the other adopted components of the City's comprehensive plan which include: neighborhood plans; general city land use plans; general and specific utility and transportation plans; city park plans; and, floodplain, conservancy, and drainage plans. Further, this chapter and its application should not be a substitute for other city plan implementation and regulatory devices such as the Land Division Ordinance, Building Code, Housing Code, and other specific regulatory devices.

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 City of Hartford;
- g) Prevent and Control Erosion, sedimentation, and other pollution of the surface and subsurface waters;
- h) Further the Maintenance of safe and healthful conditions and prevent and control water pollution through:
  - 1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - 2) Control filling and grading in shoreland areas to prevent serious soil erosion problems. (AMENDED 6/25/96--ORDINANCE NO. E-331)
- i) Prevent both High Water and Overland Flood Damage to persons and property and minimize expenditures for flood relief and flood control projects;
- j) Provide for and Protect a variety of suitable commercial and industrial sites;
- k) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- l) Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the City of Hartford;
- m) Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance.
- n) Protect spawning grounds, fish, and aquatic life through:
  - 1) Preserving wetlands and other fish and aquatic habitat.
  - 2) Regulating pollution sources.
  - 3) Controlling shoreline alterations, dredging, and lagooning.
- o) Control building sites, placement of structures, and land uses in the shoreland area through:
  - 1) Separating conflicting lands uses.
  - 2) Regulating side yards and building setbacks from waterways.
  - 3) Prohibiting certain uses detrimental to the shoreland area.
  - 4) Setting minimum lot sizes and widths.
- p) Preserve shore cover and natural beauty through:
  - 1) Restricting the removal of natural shoreland cover.
  - 2) Preventing shoreline encroachment by structures.
  - 3) Controlling shoreland excavating and other earth moving vehicles.
  - 4) Regulating the use and placement of boathouses and other structures.
- q) Preserve groundwater resources through the provision of wellhead protection areas.

(SUBSECTIONS n), o), & p) CREATED 6/25/96--ORDINANCE NO. E-331; SUBSECTION q) CREATED 9/26/00--ORDINANCE NO. E-443)

### **13.0105 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.

### **13.0106 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.

Where a provision of this chapter is required by a standard in Wisconsin Administrative Code Chapter NR 115, and where the chapter provision is unclear, the provision shall be interpreted in light of Chapter NR 115 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter. (CREATED 6/25/96--ORDINANCE NO. E-331)

### **13.0107 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.

### **13.0108 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection provided by the Ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions larger floods may occur or the flood height may be increased by natural or man-made causes, such as ice jams or bridge openings restricted by debris. Therefore, this Ordinance does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and associated flood damages, nor shall this Ordinance create a liability on the part of or a cause of action against the City of Hartford or any office or employee thereof for any flood damages that may result from reliance on this Ordinance.

### **13.0109 REPEAL**

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

## **SECTION 13.0200--GENERAL PROVISIONS**

### **13.0201 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the City of Hartford, Wisconsin.

### **13.0202 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.

### **13.0203 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. (CREATED 4/10/89--ORDINANCE NO. E-130)

### **13.0204 USE RESTRICTIONS AND REGULATIONS**

The following use restrictions and regulations shall apply:

- a) Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses 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 Plan Commission and when permitted, requiring special zoning district map delineation in accordance with Sections 13.0300 and 13.0400.
- d) Unclassified or Unspecified Uses may be permitted by the City 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 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 frontage 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 City 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 City Plan Commission are submitted in a formal application. Conceptual approval shall not, however, be binding on the City Plan Commission or the Common Council. In such cases, the City Plan Commission may require a public hearing conforming to the review procedures set forth in Sections 13.0300 and 13.0400 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 13.0500; signs as permitted by Section 13.0600; fences as permitted by Section 13.

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 13. (CREATED 7/23/90--ORDINANCE NO. E-158)

### **13.0205 SITE RESTRICTIONS AND REGULATIONS**

No land shall be used or structure erected where the land is suitable 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 City 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 City 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 30 feet or as otherwise required in the City Land Division Ordinance.
- 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 City 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 City 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 a 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) Lots Abutting More Restrictive zoning districts shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of one lot width (or length) from the district boundary line so as to equal the average of the street yards required in both districts.
- e) 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.
- f) Land Divisions. For all subdivision proposals, certified survey maps, and other developments exceeding five acres in area, or where the estimated cost of a proposed development exceeds \$125,000, the applicant shall provide all computations which are required to show the effects of the proposal on flood heights, velocities and floodplain storage. Further, the applicant shall provide within such proposals regional flood elevation data, and the means to provide adequate surface drainage and to minimize flood damage. The limits of the 100-year recurrence interval floodplain shall be shown on the plat or map. In those instances where the applicant is not required to provide computations and where inadequate data exists, the available information may be transmitted to the WI Department of Natural Resources' District Office for a determination of the flood protection elevations and for an evaluation of the effects of the proposal on flood heights, velocities and floodplain storage. Additional information, such as valley cross-sections or survey data may be required by the Department to determine the effects of the proposal. This information shall be obtained from the applicant or the applicant's agent by the City. The provisions of Section 13.1207 of this Ordinance shall apply hereto. The applicant shall provide all data and calculations for any development which would require an amendment to the district boundaries or to the flood profile of the 100-year recurrence flood interval. (REPEALED AND RECREATED 4/10/89--ORDINANCE NO. E-130)

**SECTION 13.0300--ZONING DISTRICTS**

**13.0301 ESTABLISHMENT**

- a) For the purpose of this Ordinance, the City of Hartford is hereby divided into twenty-five (25) basic use districts and seven (7) overlay districts designated as follows:

A-1 Agricultural District  
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Rs-1 Single-Family Residential District  
Rs-2 Single-Family Residential District  
Rs-3 Single-Family Residential District  
Rs-4 Single-Family Residential District  
Rs-5 Single-Family Residential District  
Rs-6 Single-Family Residential District  
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Rd-1 Two-Family Residential District  
Rd-2 Two-Family Residential District  
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Rm-1 Multi-Family Residential District  
Rm-2 Multi-Family Residential District  
Rm-3 Multi-Family Residential District  
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B-1 Neighborhood Business District  
B-2 Community Business District  
B-3 General Business District  
B-4 Professional Office District  
B-5 Highway Business District  
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M-1 Wholesale/Warehousing District  
M-2 Limited Industrial District  
M-3 General Industrial District  
M-4 Industrial Park District  
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I-1 Institutional District  
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P-1 Park District  
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C-1 Lowland Conservancy District  
C-2 Upland Conservancy District  
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FWO Floodway Overlay District  
FCO Floodplain Conservancy Overlay District  
UFO Urban Floodplain Regulatory Overlay District  
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HAPEO Historic Architectural Preservation & Enhancement Overlay District  
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SHD-1 Shoreland Overlay District, Dodge County  
SHW-1 Shoreland Overlay District, Washington County  
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WP-1 Wellhead Protection Overlay District

- b) Boundaries of the above listed districts are hereby established as shown on the maps entitled "Zoning District Map No. 1-36 City of Hartford, Wisconsin," and "Supplementary Floodland Zoning District Map No. 1 City of Hartford, Wisconsin," and "Appendix B Maps No. 1-6, City of Hartford, Wisconsin," which accompany and are thereby made a part of this Ordinance.
- c) The District boundaries in all districts, except the C-1 Lowland Conservancy District, WP-1 Wellhead Protection Overlay District, and the Floodland 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) District boundaries which divide parcels in single ownership at the time of enactment of this Ordinance, except in the C-1 Lowland Conservancy District and the floodland districts, may be moved to include the entire parcel in the least restrictive district provided that such district boundaries shall not be moved more than 75 feet.
- e) Boundaries of the FWO Floodway Overlay District shall be determined by use of the scale contained on the Supplementary Floodland Zoning District Map. The boundaries of the FCO Floodplain Conservancy Overlay District and the UFO Urban Floodplain Regulatory Overlay District shall be determined by the floodland limits shown on the Supplementary Floodland Zoning District Map. The flood stages, under floodway conditions, contained on the Supplementary Floodland Zoning District Map were developed from technical data contained in the Flood Insurance Study--City of Hartford, Washington County Wisconsin, published by the Federal Emergency Management Agency (FEMA) and dated December 4, 1984 and revised flood profile adopted April 10, 1989. The information contained in the flood insurance study is further illustrated on the FEMA Flood Boundary and Floodway Map and Flood Insurance Rate Map, both maps dated December 4, 1984. Where a conflict exists between the floodland limits as shown on the Supplementary Floodland Zoning Map and actual field conditions, the elevations from the 100-year recurrence interval flood profile shall be the governing factor in locating the regulatory floodland limits. (AMENDED 6/25/96--ORDINANCE NO. E-331)
- f) Boundaries of the C-1 Lowland Conservancy District are based on the Wisconsin Wetland Inventory Map for the City of Hartford, dated October 27, 1988, and stamped "FINAL", and include, but are not limited to, all wetlands or portions of wetlands, five acres or greater in area shown on that map that are in the shoreland zone.
- g) Boundaries of the SHD-1 Shoreland Overlay District include all lands within the City of Hartford, which have been annexed from Towns in Dodge County after May 7, 1982, located within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, and flowages, and within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (CREATED 6/25/96--ORDINANCE NO. E-331)
- h) Boundaries of the SHW-1 Shoreland Overlay District include all lands within the City of Hartford, which have been annexed from Towns in Washington County after May 7, 1982, located within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, and flowages, and within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (CREATED 6/25/96--ORDINANCE NO. E-331)
- i) Locating Shoreland-Wetland Boundaries. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the DNR to determine if the shoreland-wetland district boundary as mapped is in error. If DNR staff and the Zoning Administrator concur that a particular area was incorrectly mapped as a wetland, following DNR approval, the

Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. The Zoning Administrator shall initiate a map amendment to correct the discrepancy. (CREATED 6/25/96--ORDINANCE NO. E-331)

- j) Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- k) Annexations to or consolidations with the City subsequent to the effective date of this Ordinance shall be placed in the A-1 Agricultural District, unless lands annexed contain floodplain or shoreland areas in which case, the affected areas shall also be zoned for the appropriate Shoreland Overlay District, and unless the annexation ordinance temporarily places the land in another district. Within one (1) year or annually, the City Plan Commission shall evaluate and recommend a reclassification of such lands to the Common Council. Annexations containing floodlands and shorelands shall be governed in the following manner:
  - 1) Annexations of territory from Towns in Dodge County containing floodlands shall be governed by the provisions of the Dodge County Floodplain Zoning Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Hartford Zoning Ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
  - 2) Annexations of territory from Towns in Washington County containing floodlands shall be governed by the provisions of the Washington County Floodplain Zoning Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Hartford Zoning Ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
  - 3) Annexations of territory from Towns in Dodge County containing shorelands. Pursuant to Section 59.971 (7) of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the SHD-1 Shoreland Overlay District, Dodge County.
  - 4) Annexations of territory from Towns in Washington County containing shorelands. Pursuant to Section 59.971 (7) of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the SHW-1 Shoreland Overlay District, Washington County.
- l) Boundaries of the WP-1 Wellhead Protection Overlay District shall be determined for each operating well based upon independent analysis to determine the areas estimated it will take thirty (30) days or less for groundwater to reach a pumping well in Zone A and the areas estimated it will take five (5) years or less to reach a pumping well in Zone B. (SECTION 13.0301 REPEALED AND RECREATED 4/10/89--ORDINANCE NO. E-130; AMENDED 6/25/96--ORDINANCE NO. E-331; AMENDED 9/26/00-- ORDINANCE NO. E-443)

### **13.0302 ZONING MAP**

A certified copy of the Zoning District Maps, together with the Supplementary Floodland Zoning District Map(s) and amendments thereto, United States Geological Survey Quadrangle Maps, and Wisconsin Wetland Inventory Maps for the City of Hartford, dated October 27, 1988 and stamped "Final", shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Mayor and City Clerk and shall be available to the public in the appropriate office in the City Hall. Changes, thereafter to the general zoning districts shall be entered, dated, and attested on the certified copy. Changes in any floodland district shall not become effective until approved by the Wisconsin Department of Natural Resources (DNR) and

### **13.0303 A-1 AGRICULTURAL DISTRICT**

The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the City that are not immediately committed to urban development. It is further the intent of this district to protect rural lands in the City from urban development until their orderly transition into urban-oriented districts is required.

#### a) Permitted Principal Uses

- 1) Agricultural warehousing.
- 2) Apiculture (beekeeping).
- 3) Contract sorting, grading, and packaging of fruits and vegetables.
- 4) Corn shelling, hay baling, and threshing services.
- 5) Floriculture (cultivation or ornamental flowering plants).
- 6) Grazing or pasturing.
- 7) Horticultural services.
- 8) Livestock raising (except commercial feed lots and fur farms) for not more than one (1) head of livestock or twenty (20) head of poultry for each two and one-half (2-1/2) acres.
- 9) Orchards.
- 10) Paddocks.
- 11) Plant nurseries.
- 12) Raising of grain, grass, mint, and seed crops.
- 13) Raising of tree fruits, nuts, and berries.
- 14) Sod farming.
- 15) Stables for not more than (1) animal/two and one-half (2-1/2) acres.
- 16) Vegetable raising.
- 17) Viticulture (grape growing).
- 18) Dwelling units remaining from the consolidation of two farms.

#### b) Permitted Accessory Uses

- 1) General farm buildings including barns, silos, sheds, and storage bins.
- 2) Home occupations as specified herein.
- 3) One (1) temporary non-illuminated "for sale" sign not larger than four (4) square feet in area placed by the owner or his agent for the one-time sale of land, buildings, or equipment.
- 4) One (1) non-illuminated sign not larger than six (6) square feet in area for use in advertising or products produced on the farm (see Section 13.0600).
- 5) One (1) temporary (100 day) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area, the location of which shall be approved by the Zoning Administrator.
- 6) One (1) single-family farm dwelling and automobile garage.
- 7) Non-rental living quarters within permitted uses for watchmen or caretakers.
- 8) Off-street parking and loading areas.

#### c) Conditional Uses (See Section 13.0400)

- 1) Bird seed and grain processing.
- 2) Drying and dehydrating of fruits and vegetables.
- 3) Livestock sales facilities.

4) Recreational vehicle and boat storage if completely enclosed within a building.

d) Lot Area and Width

- 1) Farm uses as provided herein including farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than five (5) acres, and no farm parcel shall be less than 300 feet in width at the building setback line.
- 2) Existing residential structures and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than one (1) acre that has a lot width of not less than 150 feet at the building setback line.
- 3) When lands in the C-1, F-1, and/or F-2 Districts lie adjacent to lands in the A-1 District and under the same ownership, such lands may be used to meet the lot area requirements of the A-1 District.

e) Building Height and Area

- 1) Buildings or parts of buildings except barns, elevators, grain dryers, and silos shall not exceed 35 feet in height (see Section 13.0900).
- 2) Farm dwellings or other residential units shall have not less than 1,200 square feet in total floor area per unit.

f) Setback and Yards

- 1) There shall be a minimum building setback of 60 feet from the established street, road, or highway right-of-way upon which the lot or parcel abuts.
- 2) There shall be yards of not less than 25 feet on each side of a detached farm dwelling unit.
- 3) There shall be a minimum rear yard of 50 feet on detached farm buildings.
- 4) There shall be yards on less than 20 feet in width on each side of other detached principal use structures.
- 5) No agricultural buildings or feed lots shall be allowed within 100 feet of the delineated 100 year recurrence internal flood line.

g) Parking Space

No on-street parking will be allowed in an Agricultural Zoning District.

**13.0304 Rs-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-1 Residential District is intended to provide for single-family residential development at densities not exceeding 1.09 dwelling units per net acre and served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Single-family dwellings with attached garages.
- 2) Foster family home or community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) One (1) attached garage with street-side garage wall not exceeding 55% of the width of the principal structure provided:
  - a. The garage meets minimum yard setback requirements of principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.

- c. The street side garage wall does not extend more than 12 feet in front of the street-side facade of the dwelling unit.
- 2) One (1) attached garage with street-side garage wall exceeding 55% of the width of a principal structure but not exceeding 65% of the width of the principal structure provided:
  - a. The garage meets minimum yard setback requirements of principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.
  - c. The street side garage wall does not extend more than 6 feet in front of the street-side wall of the dwelling unit.
  - d. The principal structure includes a second story street-side wall that is at least the width of the longest ground floor street-side wall of the dwelling unit and includes street facing windows and/or balcony higher than the garage.
  - e. The dwelling unit includes a street-side covered porch of not less than 48 sq. ft. and extending at least as close to the street as the street-side wall of the garage.
- 3) One (1) attached garage with street-side garage wall exceeding 65% of the width of a principal structure but not exceeding 70% of the width of the principal structure provided:
  - a. The garage meets the minimum yard setback requirements of the principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.
  - c. The street-side garage entrance on corner lots or through lots face a street other than that of the main entrance to the dwelling unit, **-OR-** the street side garage wall does not extend in front of the longest street-side wall of the dwelling unit, and the principal structure includes a second story street-side wall that is at least the width of the longest ground floor street-side wall of the dwelling unit and includes street facing windows and/or balcony higher than the garage.
- 4) Detached garages, sheds, and carports provided:
  - a. Total area of attached garage, detached garage, carport and shed does not exceed 900 sq. ft. or the ground floor area of the dwelling portion of the principal structure, whichever is greater.
  - b. Maximum height of a detached garage or shed wall or carport is 10 feet excluding areas between roof gables
  - c. Minimum street yard setback is 40 feet on interior and through lots, 25 feet on corner lots.
  - d. Minimum side and rear yard setback is 5 feet.
  - e. Minimum distance between covered structures 6 feet in height or more is 10 feet.
- 5) Home occupations and professional offices as defined herein.
- 6) One (1) temporary non-illuminated "for sale" sign not larger than four (4) square feet in area placed by the owner or the owner's agent for the one-time sale of personal goods, land, or buildings (see Section 13.0600).

SECTION 13.0304 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0304 b) AMENDED 5/13/03--ORDINANCE NO. E-527; 9/9/03--ORDINANCE NO. E-531

c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care, and

maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration, enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) The minimum PUD development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) The minimum PUD lot or building space shall be 29,185 square feet per dwelling unit.
- 3) The minimum PUD lot or building space width shall be 100 feet at the building setback line.
- 4) The minimum PUD building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
- 5) Yards adjacent to exterior property lines of the PUD shall not be less than those required for permitted principal uses. (AMENDED 1/28/97-- ORDINANCE NO. E-353)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 40,000 square feet.
- 2) Lots shall have a width of not less than 150 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) The minimum floor area of a one- or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	850 square feet	700 square feet
Three (3)	1,000 square feet	700 square feet
Four (4) or more	1,150 square feet	700 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 10 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 45 feet from the right-of-way of all abutting streets.
- 2) There shall be a side yard on each side of all structures not less than 20 feet in width.
- 3) There shall be a rear yard of not less than 35 feet.

g) Parking Space

See Section 13.0500.

### **13.0305 Rs-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-2 Residential District is intended to provide for single-family residential development, at densities not to exceed 2.18 dwelling units per net acre, served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Single-family dwellings with attached garages.
- 2) Foster family home or community living arrangements pursuant to Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) One (1) attached garage with street-side garage wall not exceeding 55% of the width of the principal structure provided:
  - a. The garage meets minimum yard setback requirements of principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.
  - c. The street side garage wall does not extend more than 12 feet in front of the street-side facade of the dwelling unit.
- 2) One (1) attached garage with street-side garage wall exceeding 55% of the width of a principal structure but not exceeding 65% of the width of the principal structure provided:
  - a. The garage meets minimum yard setback requirements of principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.
  - c. The street side garage wall does not extend more than 6 feet in front of the street-side wall of the dwelling unit.
  - d. The principal structure includes a second story street-side wall that is at least the width of the longest ground floor street-side wall of the dwelling unit and includes street facing windows and/or balcony higher than the garage.
  - e. The dwelling unit includes a street-side covered porch of not less than 48 sq. ft. and extending at least as close to the street as the street-side wall of the garage.
- 3) One (1) attached garage with street-side garage wall exceeding 65% of the width of a principal structure but not exceeding 70% of the width of the principal structure provided:
  - a. The garage meets the minimum yard setback requirements of the principal structure.
  - b. The garage area does not exceed 900 sq. ft. or the total ground floor area of the dwelling unit, whichever is greater.
  - c. The street-side garage entrance on corner lots or through lots face a street other than that of the main entrance to the dwelling unit.
- 4) Detached garages, sheds, and carports provided:
  - a. Total area of attached garage, detached garage, carport and shed does not exceed 900 sq. ft. or the ground floor area of the dwelling portion of the principal structure, whichever is greater.
  - b. Maximum height of a detached garage or shed wall or carport is 10 feet excluding areas between roof gables
  - c. Minimum street yard setback is 40 feet on interior and through lots, 25 feet on corner lots.
  - d. Minimum side and rear yard setback is 5 feet.
  - e. Minimum distance between covered structures 6 feet in height or more is 10 feet.
- 5) Home occupations and professional offices as defined herein.

- 6) One (1) temporary non-illuminated "for sale" sign not larger than four (4) square feet in area placed by the owner or the owner's agent for the one-time sale of personal goods, land, or buildings (see Section 13.0600).

SECTION 13.0305 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99-- ORDINANCE NO. E-426;  
SECTION 13.0306 b) AMENDED 5/13/03--ORDINANCE NO. E-527; 9/9/03--ORDINANCE NO. E-531

c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity, and density of land use shall be no greater than that permitted for the district. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) Minimum PUD development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) Minimum PUD or building space area shall be 14,000 square feet.
- 3) Minimum PUD lot or building space width shall be 80 feet at the building setback line.
- 4) Minimum PUD building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
- 5) Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses. (AMENDED 1/28/97--ORDINANCE NO. E-353)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 20,000 square feet.
- 2) Lots shall have a width of not less than 110 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	850 square feet	700 square feet
Three (3)	1,000 square feet	700 square feet
Four (4) or more	1,150 square feet	700 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 20 percent of the lot area.

- f) Setback and Yards
  - 1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets and highways.
  - 2) There shall be a side yard on each side of all structures not less than 15 feet in width.
  - 3) There shall be a rear yard of not less than 35 feet.
- g) Parking Space  
See Section 13.0500.

### **13.0306 Rs-3 SINGLE FAMILY RESIDENTIAL DISTRICT**

The Rs-3 Residential District is intended to provide for single-family residential development, at densities not to exceed 2.90 dwelling units per net acre, served by municipal sewer and water facilities.

- a) Permitted Principal Uses
  - 1) Single-family dwellings with attached garages.
  - 2) Foster family home or community living arrangements as provided in Wisconsin Statutes.
- b) Permitted Accessory Uses
  - 1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0306 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0306 b) AMENDED 5/13/03--ORDINANCE NO. E-527

- c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land; use shall be no greater than that permitted for the district. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) The minimum PUD development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) The minimum PUD lot or building space area shall be 12,000 square feet.
- 3) The minimum PUD lot or building space width shall be 80 feet at the building setback line.
- 4) The minimum PUD building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
- 5) Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses. (AMENDED 1/28/97--ORDINANCE NO. E-353)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 15,000 square feet.
- 2) Lots shall have a width of not less than 100 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	750 square feet	600 square feet
Three (3)	900 square feet	600 square feet
Four (4) or more	1,050 square feet	600 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 25 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets, and highways.
- 2) There shall be a side yard on each side of all buildings not less than 15 feet in width.
- 3) There shall be a rear yard of not less than 35 feet.

g) Parking Space

See Section 13.0500.

**13.0307 Rs-4 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-4 Residential District is intended to provide for single-family residential development, at densities not to exceed 4.36 dwelling units per net acre, served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Single-family dwellings with attached garages.
- 2) Foster family home or community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0307 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0307 b) AMENDED 5/13/03--ORDINANCE NO. E-527

c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The property preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) The minimum PUD development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) The minimum PUD lot or building space area shall be 8,000 square feet.
- 3) The minimum PUD lot or building space width shall be 80 feet at the building setback line.
- 4) The minimum PUD building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
- 5) Yards adjacent to exterior property lines of the PUD shall not be less than those required for permitted principal uses. (AMENDED 1/28/97-- ORDINANCE NO. E-353)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 10,000 square feet.
- 2) Lots shall have a width of not less than 80 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 15 feet in height.
- 2) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	750 square feet	600 square feet
Three (3)	900 square feet	600 square feet
Four (4) or more	1,050 square feet	600 square feet

No bedroom shall be less than 100 square feet in area.

(a) On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 30 percent of the lot area.

f) Setback and Yards

1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets, roads, and highways.

2) There shall be a side yard on each side of all buildings not less than 10 feet in width.

3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

See Section 13.0500.

**13.0308 Rs-5 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-5 Residential District is intended to provide for single-family residential development, at densities not to exceed 5.44 dwelling units per net acre, served by municipal sewer and water facilities.

a) Permitted Principal Uses

1) Single-family dwellings with attached garages.

2) Foster family home or community living arrangements as provided in the Wisconsin Statutes.

b) Permitted Accessory Uses

1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0308 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0308 b) AMENDED 5/13/03--ORDINANCE NO. E-527

c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) The minimum PUD development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) The minimum PUD lot or building space area shall be 6,000 square feet.
- 3) The minimum PUD lot or building space width shall be 60 feet at the building setback line.
- 4) The minimum PUD building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
- 5) Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses. (AMENDED 1/28/97--ORDINANCE NO. E-353)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 8,000 feet.
- 2) Lots shall have a width of not less than 65 feet at the building setback line.

e) Building Height and Area

- 1) No principal building shall exceed 35 feet in height. No accessory building shall exceed 15 feet in height.
- 2) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	750 square feet	600 square feet
Three (3)	900 square feet	600 square feet
Four (4) or more	1,050 square feet	600 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 35 percent of the lot area. (AMENDED 12/10/02--ORDINANCE NO. E-511)

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets, and highways.
- 2) There shall be a side yard on each side of all buildings not less than 10 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

See Section 13.0500.

**13.0309 Rs-6 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-6 Residential district is intended to provide for single-family residential development only on lots of record existing prior to the date of adoption of this Ordinance, at densities not to exceed 8.71 dwelling units per net acre, and served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Single-family dwellings with attached garages.
- 2) Foster family home of community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0309 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0309 b) AMENDED 5/13/03--ORDINANCE NO. E-527

c) Conditional Uses

None

d) Lot Area and Width

- 1) Lots shall have a minimum area of 5,000 square feet.
- 2) Lots shall have a width of not less than 40 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA	MINIMUM MAIN ENTRY LEVEL FLOOR AREA <sup>(a)</sup>
Two (2) or less	750 square feet	600 square feet
Three (3)	900 square feet	600 square feet
Four (4) or more	1,050 square feet	600 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 40 percent of the lot area.

f) Setback and Yards

- 1) Lots in the Rs-6 district shall have minimum building setbacks of fifteen (15) feet from the right-of-way of all streets and highways, except as follows: On corner lots in the Rs-6 district, there shall be a minimum building setback of ten (10) feet from the right-of-way on one street side of the lot, and there shall be a minimum building setback of fifteen (15) feet from the right-of-way on the other street side of the lot.
- 2) There shall be a side yard on each side of all structures not less than seven (7) feet in width.
- 3) There shall be a rear yard of not less than 25 feet.
- 4) Garage doors shall have street yard setbacks of at least twenty (20) feet from the right-of-way of all streets and highways. (SUBSECTION f) REPEALED AND RECREATED 12/14/04—ORDINANCE NO. E-557)

g) Parking Space

See Section 13.0500.

**13.0310 Rd-1 TWO-FAMILY RESIDENTIAL DISTRICT**

The Rd-1 Residential District is intended to provide for two-family residential development, at densities not to exceed 5.81 dwelling units per net acre, served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Two-family dwelling structures with one attached garage per dwelling unit.
- 2) Foster family home of community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0310 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0310 b) AMENDED 5/13/03--ORDINANCE NO. E-527

c) Conditional Uses (See Section 13.0400)

- 1) Home occupations and professional home offices as defined herein.
- 2) Residential Planned Unit Development (PUD) such as cluster developments, townhouses, and condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- a) The minimum development shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- b) The minimum lot or building space area shall be 12,000 square feet.
- c) The minimum lot or building space width at the building setback line shall be 80 feet for detached two-family structures and 16 feet for each unit of a townhouse or attached condominium complex.
- d) The minimum building area and height, shall be the same as required for permitted principal uses, however, the yard requirement may be reduced by no more than 50 percent.
- e) No detached structure shall be located closer than 20 feet to another structure within the development and there shall be a side yard of not less than 20 feet in width at least every 64 feet for a townhouse or attached condominium. Yards adjacent to exterior property line shall not be less than those required for permitted principal uses.

d) Lot Area and Width

- 1) Lots shall have a minimum area of 15,000 square feet, with not less than 7,500 square feet per dwelling unit.
- 2) Lots shall have a width of not less than 100 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) Accessory buildings shall not exceed 15 feet in height.
- 3) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL AREA PER DWELLING UNIT	MINIMUM FIRST FLOOR AREA PER STRUCTURE <sup>(a)</sup>
One	900 square feet	1,200 square feet
Two	1,000 square feet	1,200 square feet
Three or more	1,100 square feet	1,200 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 4) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 35 percent of the lot area. (AMENDED 12/10/02--ORDINANCE NO. E-510)

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from right-of- way of all streets.
- 2) There shall be a minimum side yard on each side of all buildings of not less than 15 feet in width.
- 3) There shall be a rear yard of not less than 30 feet.

g) Parking Space

There shall be a minimum of two (2) off-street parking spaces or 600 square feet of outside off-street parking area provided for each residential unit of which at least one (1) is within a garage (see Section 13.0500).

**13.0311 Rd-2 TWO-FAMILY RESIDENTIAL DISTRICT**

The Rd-2 Residential District is intended to provide for two-family residential development, at densities not to exceed 7.26 dwelling units per net acre, served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Two-family dwelling structures with one attached garage per dwelling unit.
- 2) Foster family home or community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) Attached garages, detached garages, sheds, carports, home occupations, professional offices, and temporary for sale signs as provided in Section 13.0305 b), Rs-2 Single-Family Residential District.

SECTION 13.0311 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236; 11/23/99--ORDINANCE NO. E-426;  
SECTION 13.0311 b) AMENDED 5/13/03--ORDINANCE NO. E-527

c) Conditional Uses (See Section 13.0400)

- 1) Home occupations and professional home offices as defined herein.
- 2) Residential Planned Unit Development (PUD) such as cluster development, two-story townhouses, and condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:
  - a) The minimum development area shall be 5 acres. (AMENDED 1/22/02--ORDINANCE NO. E-473)
  - b) The minimum lot or building space area shall be 10,000 square feet.
  - c) The minimum lot or building space width at the building setback line shall be 70 feet for detached two-family structures and 16 feet for each unit of a townhouse or attached condominium complex.
  - d) The minimum building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by no more than 50 percent.
  - e) No detached principal structure shall be located closer than 20 feet to another structure within the development and there shall be a side yard of not less than 20 feet in width at least every 64 feet for a townhouse or attached condominium structure. Yards

adjacent to exterior property lines shall not be less than those required for permitted principal uses.

d) Lot Area and Width

- 1) Lots shall have a minimum area of 12,000 square feet, with not less than 6,000 square feet per dwelling unit.
- 2) Lots shall have a width of not less than 80 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) Accessory buildings shall not exceed 15 feet in height.
- 3) The minimum floor area of a one or two-story dwelling unit shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL AREA PER DWELLING UNIT	MINIMUM FIRST FLOOR AREA PER STRUCTURE <sup>(a)</sup>
One	800 square feet	1,000 square feet
Two	900 square feet	1,000 square feet
Three or more	1,000 square feet	1,000 square feet

No bedroom shall be less than 100 square feet in area.

<sup>(a)</sup> On a three (3) or more level dwelling the area of any two floors must be equal to or greater than the normal minimum first floor area.

- 4) The sum total of the floor area of the principal building and all accessory buildings shall not exceed 35 percent of the lot area. (AMENDED 12/10/02---ORDINANCE NO. E-510)

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
- 2) There shall be a side yard on each side of all buildings of not less than 10 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

There shall be a minimum of two (2) off-street parking spaces or 600 square feet of outside off-street parking area provided for each residential unit of which at least one (1) is within a garage (see Section 13.0500).

**13.0312 Rm-1 MULTI-FAMILY RESIDENTIAL DISTRICT**

The Rm-1 Residential District is intended to provide for multiple-family residential development, at densities not to exceed 8.00 dwelling units per net acre served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Multiple-family dwellings with attached garages not to exceed four (4) units per structure.
- 2) Foster family home or community living arrangements as provided in Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) One (1) detached garage not to exceed 350 square feet per dwelling unit.
- 2) One (1) yard or gardening equipment storage structure, not more than 15 feet in height and 180 square feet in area.
- 3) One (1) temporary non-illuminated sign placed by the owner or his agent for the purpose of sale or rental of the premises (see Section 13.0600).

SECTION 13.0312 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236

c) Conditional Uses (See Section 13.0400)

Residential Planned Unit Development (PUD) such as cluster developments, and two-story townhouses and condominiums with no individual building containing more than eight (8) dwelling units. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:

- 1) The minimum development area shall be 5 acres. (AMENDED 1/22/02-- ORDINANCE NO. E-473)
- 2) The minimum lot or building space area shall be not less than 3,630 square feet per dwelling unit.
- 3) The minimum lot or building space width at the building set back line shall be 100 feet per detached three or four-unit structure and 20 feet for each unit of a townhouse or attached condominium complex.
- 4) The minimum building area and height shall be the same as required for permitted principal uses, however, the yard requirements may be reduced by not more than 50 percent.
- 5) No detached structure shall be located closer than 20 feet to another structure within the development and there shall be a side yard of not less than 20 feet in width at least every 80 feet for a townhouse or attached condominium structure. Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses.

d) Lot Area and Width

- 1) Lots shall have a minimum area of 5,445 square feet per dwelling unit.
- 2) Lots shall have a width of not less than 120 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
- 2) The minimum floor area of a principal structure shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER STRUCTURE
Efficiency	400 square feet	1,200 square feet
One	600 square feet	1,800 square feet
Two	800 square feet	2,400 square feet
Three or more	1,000 square feet	3,000 square feet

No bedroom shall be less than 100 square feet in area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 20 per cent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the street right-of-way.
- 2) There shall be a side yard on each side of all buildings not less than 20 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

There shall be a minimum of two (2) 180 square foot off-street parking spaces provided for each residential unit (see Section 13.0500).

h) Special Regulations

Every builder of any building hereafter erected or structurally altered for multiple-family and accessory use shall, before a building permit is issued, present detailed plans and specifications of the proposed structure(s) to the City Plan Commission, which will approve said plans only after determining that the proposed building(s) including parking structures, 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 or substantially diminish or impair property values within the neighborhood.

**13.0313 Rm-2 MULTI-FAMILY RESIDENTIAL DISTRICT**

The Rm-2 Residential District is intended to provide for multiple-family residential development, at densities not to exceed 11.00 dwelling units per net acre served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Multiple-family dwellings with attached garages not to exceed six (6) units per structure.

- 2) Foster family home or community living arrangements as provided in the Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) One (1) detached garage not to exceed 350 square feet per dwelling unit.
- 2) One (1) yard or gardening equipment storage structure, not more than 15 feet in height and 180 square feet in area.
- 3) One (1) temporary non-illuminated sign placed by the owner or his agent for the purpose of sale or rental of the premises (see Section 13.0600).

SECTION 13.0313 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236

c) Conditional Uses (See Section 13.0400)

- 1) Residential Planned Unit Development (PUD) such as cluster developments, townhouses, and condominiums with no individual building containing more than 16 dwelling units. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of the land use shall be not greater than that permitted for the district. The property preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:
  - a) The minimum development area shall be 5 acres. (AMENDED 1/22/02--ORDINANCE NO. E-473)
  - b) The minimum lot or building space area shall be not less than 2,640 square feet per dwelling unit.
  - c) The minimum lot or building space width at the building setback line shall be 100 feet for detached three or four-unit structures and 20 feet per dwelling unit for townhouses and attached condominiums.
  - d) The minimum building area and height shall be the same as required for permitted principal uses however the requirements may be reduced by not more than 50 percent.
  - e) No detached structure shall be located closer than 20 feet to another structure within the development and there shall be a side yard of not less than 16 feet in width at least every 128 feet for a townhouse or attached condominium structure. Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses.
- 2) Mobile Home Parks provided that each such park complies with the following standards:
  - a) The minimum park size shall be 10 acres.
  - b) The minimum park width shall be 450 feet at the building setback line.
  - c) The maximum number of mobile home sites shall be nine (9) per acre.
  - d) The minimum open space provided shall be 20 percent of the development area, exclusive of mobile home unit sites, streets, roads, and public or general purpose parking.
  - e) The minimum lot area for a single module mobile home shall be 5,000 square feet and such mobile home lot shall be a minimum of 50 feet in width.
  - f) The minimum lot area for a double module mobile home shall be 6,000 square feet and such mobile home lot shall be a minimum of 60 feet in width.

- g) The minimum setback for a mobile home parking building, structure, or unit shall be 75 feet from the right-of-way line of a street, road or highway, which abuts the development.
- h) The minimum distance between any park structure, mobile home unit, or accessory storage structures and all other exterior park lot lines shall be 40 feet.
- i) The minimum distance between mobile home units and access streets shall be 20 feet.
- j) The minimum side yard distance between mobile home units shall be 20 feet.
- k) There shall be two off-street parking spaces provided for each mobile home unit and all interior streets and general parking areas shall be constructed to City specifications and all mobile home unit parking areas and all walkways shall be surfaced pursuant to City specifications.
- l) No mobile home sales office, business, or other commercial use shall be located on the mobile home park site; however, laundries, washrooms, recreation rooms, maintenance equipment storage areas, and one mobile home park office necessary for the use of mobile home park residents are permitted.
- m) Each mobile home park shall be completely enclosed except for permitted entrances and exits by a permanent evergreen planting, the individual trees to be of such a number and size and so arranged that within 10 years they will have formed a dense screen. Such permanent plantings shall be grown or maintained to a height of not less than 10 feet.
- n) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturers Association and the Wisconsin Department of Industry, Labor and Human Relations.
- o) Each mobile home shall be anchored by connecting the underframe directly to a minimum of six (6), two and one-half (2-1/2) foot long "eye" bolt anchors permanently imbedded in concrete piers of not less than three (3) feet in length which shall be an integral part of a six (6) inch concrete pad which is at least as large as the floor area dimensions of the mobile home upon which the mobile home must be placed.
- p) No mobile home site shall be rented for a period of less than six months.
- q) All mobile homes shall be fully "skirted" with nonflammable material.
- r) Street requirements of Chapter 7 of the Municipal Code are met or exceeded.
- s) Erosion control requirements of Chapter 15 of the Municipal Code are met or exceeded.
- t) Stormwater management requirements of Chapter 15 of the Municipal Code are met or exceeded.
- u) Fees required by Chapter 42 of the Municipal Code are paid.

SECTION 13.0313 c),2),r) REPEALED AND SECTIONS r), s), t) & u) CREATED 9/9/97--ORDINANCE NO. E-376)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 3,960 square feet per dwelling unit.
- 2) Lots shall have a width of not less than 100 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory buildings shall exceed 15 feet in height.

- 2) The minimum floor area of a principal structure shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER STRUCTURE
Efficiency	400 square feet	1,200 square feet
One	550 square feet	1,650 square feet
Two	700 square feet	2,100 square feet
Three or more	850 square feet	2,500 square feet

No bedroom shall be less than 100 square feet in area.

- 3) The sum total of the floor area of the principal building and all accessory buildings shall not exceed 25 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the street right-of-way.
- 2) There shall be a side yard on each side of all buildings of not less than 20 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

There shall be a minimum of two (2) 180 square foot off-street parking spaces provided for each residential unit (see Section 13.0500).

h) Special Regulations

Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed plans and specifications of the proposed structure(s) to the City Plan Commission, which will approve said plans only after determining that the proposed building(s), including garages, will not impair an adequate supply of lights and air to adjacent property or substantially increase the danger of fire or traffic congestion or otherwise endanger the public health or safety or substantially diminish or impair property values within the neighborhood.

**13.0314 Rm-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

The Rm-3 Residential District is intended to provide for multiple-family residential development, at densities not to exceed 14.00 dwelling units per net acre served by municipal sewer and water facilities.

a) Permitted Principal Uses

- 1) Multiple-family dwellings with attached garages not to exceed eight (8) units per structure.
- 2) Foster family home or community living arrangements as provided in the Wisconsin Statutes.

b) Permitted Accessory Uses

- 1) One (1) detached garage not to exceed 350 square feet per dwelling unit.
- 2) One (1) yard or gardening equipment storage structure, not more than 15 feet in height and 180 square feet in area.
- 3) One (1) temporary non-illuminated sign placed by the owner or his agent for the purpose of sale or rental of the premises (see Section 13.0600).

SECTION 13.0314 a) & b) AMENDED 5/11/93--ORDINANCE NO. E-236

c) Conditional Uses (See Section 13.0400)

- 1) Residential Planned Unit Development (PUD) such as cluster developments, townhouses, and condominiums with no individual building containing more than 24 dwelling units. The district lot size and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design and all common structures, facilities, utilities, access and open spaces shall be assured by deed, plat restrictions, and/or condominium declaration enforceable by the City. All PUD's shall comply with the following minimum standards:
  - a) The minimum development area shall be 5 acres. (AMENDED 1/22/02--ORDINANCE NO. E-473)
  - b) The minimum lot or building space area shall be not less than 2,074 square feet per dwelling unit.
  - c) The minimum lot or building space width shall be 80 feet for detached three or four unit structures and 16 feet per dwelling unit for townhouses and attached condominiums.
  - d) The minimum building area and height shall be the same as required for permitted principal uses, however the yard requirements may be reduced by not more than 50 percent.
  - e) No detached structure shall be located closer than 20 feet to another structure within the development and there shall be a side yard of not less than 16 feet in width at least every 128 feet for a townhouse or attached condominium structure. Yards adjacent to exterior property lines shall not be less than those required for permitted principal uses.
- 2) Elderly housing, provided that the following minimum requirements are met:
  - a) Residency shall be restricted to tenants 55 years of age or older and such restrictions shall remain on the development until such time as the owner obtains City Plan Commission approval to convert the housing to other residential or nonresidential uses permitted in the district.
  - b) No dwelling unit shall have more than two (2) bedrooms.
  - c) Minimum total floor area for each unit shall be as follows:
    - Efficiency: 250 square feet
    - 1 Bedroom: 400 square feet
    - 2 Bedroom: 600 square feet
  - d) Provisions for access to each floor, common room, and individual unit of the primary building(s) shall comply with applicable State requirements for elderly and disabled access including but not limited to the provision of ramps and/or elevators.

- e) Minimum provision for off-street parking spaces shall be based on the type of elderly housing provided. The minimum number of off-street parking spaces for an independent living elderly apartment complex shall be equal to 80% of the total number of individual dwelling units.
- f) The sum total of the first floor area of the principal building and all accessory structures shall not exceed 30% of the total lot area. Developments exceeding 25% of lot coverage must include structures or portions of structures designed for recreational or other common uses besides hallways (e.g. picnic shelters, recreation rooms).
- g) All aspects of the development not specifically addressed in the conditions of approval shall comply with all other regulations of the district. (SECTION 13.0314 c) 2) AMENDED 2/9/93--ORDINANCE NO. E-233; 6/8/99--ORDINANCE NO. E-420; REPEALED & RECREATED 10/24/99--ORDINANCE NO. E-423)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 3,111 square feet per dwelling unit.
- 2) Lots shall have a width of not less than 100 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
- 2) The minimum floor area of a principal structure shall be as follows:

NUMBER OF BEDROOMS PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER DWELLING UNIT	MINIMUM TOTAL FLOOR AREA PER STRUCTURE
Efficiency	400 square feet	1,200 square feet
One	550 square feet	1,650 square feet
Two	700 square feet	2,100 square feet
Three or more	850 square feet	2,550 square feet

No bedroom shall be less than 100 square feet in area.

- 3) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 25 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 25 feet from the street right-of-way.
- 2) There shall be a side yard on each side of all buildings of not less than 20 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking Space

There shall be a minimum of two (2) 180 square foot off-street parking spaces or 600 square feet of off-street parking area provided for each residential unit (see Section 13.0500).

## h) Special Regulations

Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed plans and specifications of the proposed structure(s) to the City Plan Commission, which will approve said plans only after determining that the proposed building(s) including garage(s), 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 or substantially diminish or impair property values within the neighborhood.

### **13.0315 B-1 NEIGHBORHOOD BUSINESS DISTRICT**

The B-1 Business District is intended to provide for individual or small groups of retail and customer service retail establishments in a "shopping center" setting. This type of district is generally separated from the traditional "central business district" but near residential development and includes such amenities as increased open space and ample off-street parking and loading areas and architectural or landscape screening from adjacent non-business uses, making such retail centers more compatible with the character of adjacent residential districts.

#### a) Permitted Principal Uses

- 1) The following retail establishments providing retail services and selling and storing primarily new merchandise.
  - Art, dance, or music teaching studios.
  - Architectural, engineering, or other similar professional offices.
  - Bakery goods for retail sale.
  - Banks, savings and loan associations, and other financial institutions.
  - Barber and beauty shops.
  - Candy/confectionary stores.
  - Clothing stores.
  - Delicatessens.
  - Dentist, physician, or other similar professional health offices.
  - Drug stores.
  - Dry cleaning pickup and delivery establishments.
  - Florists.
  - Fruit stores.
  - General public bookstores.
  - Gift stores.
  - Grocery stores.
  - Hardware stores.
  - Hobby shops.
  - Jewelry stores.
  - Liquor stores.
  - Meat, fish, or poultry markets.
  - Optical stores.
  - Photo and film pickup stores.
  - Restaurants, not including "fast foods" and sale of liquor.
  - Self service laundries.
  - Shoe repair shops.
  - Shoe stores.

- Soda fountains.
- Sporting goods stores.
- Tobacco stores.
- Variety stores.
- Vegetable stores.
- Dwelling units, provided they are located above the first floor and above a permitted business use. Public access to the business uses shall be separated from the entrance to the residential use. The architectural elements of the entire building shall be of similar materials and design. All outdoor storage, pet areas, porches, and clothes lines shall be screened from public view. (CREATED 2/25/92--ORDINANCE NO. E-203)

b) Permitted Accessory Uses

- 1) Garages for storage of vehicles used in conjunction with the operation of a business.
- 2) Off-street parking and loading areas.
- 3) (See Section 13.0600 Signs and Graphics).

c) Conditional Uses (See Section 13.0400)

- 1) Any use similar in character to the permitted uses listed above conducted as a retail business on the premises, catering to the general public, and compatible with the residential character of adjacent areas.
- 2) Indoor commercial health or recreation establishments.
- 3) Day care facilities. (CREATED 1/28/97--ORDINANCE NO. E-352)

d) Lot Area and Width

- 1) Lots shall have a minimum area of one (1) acre.
- 2) Lots shall be not less than 120 feet in width at the building setback line. (AMENDED 9/24/90--ORDINANCE NO. E-162)

e) Building Height and Area

- 1) No building or parts of a building shall exceed 35 feet in height.
- 2) The sum total of the first floor area of all principal and accessory uses shall not exceed 25 percent of the total lot area. (SUBSECTION e) AMENDED 9/24/96--ORDINANCE NO. E-347)

f) Setback and Yards

- 1) There shall be a minimum building setback of 60 feet from the street right-of-way.
- 2) There shall be a side yard on either side of principal buildings of not less than 20 feet in width.
- 3) There shall be a rear yard of not less than 40 feet. (AMENDED 9/24/90--ORDINANCE NO. E-162)

g) Parking and Loading Space

- 1) There shall be a minimum of two (2) square feet of paved off-street parking area for each one (1) square foot of total retail floor area (see Section 13.0500).
- 2) There shall be adequate loading and unloading space.

#### h) Special Regulations

To encourage a business use environment that is compatible with the residential character of the City, building permits for permitted uses in Business Districts shall not be issued without prior review by and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and screening and landscape plans, and plans for the provision of public and private utilities.

### **13.0316 B-2 COMMUNITY BUSINESS DISTRICT**

The B-2 Business District is intended to provide for individual or large groups of retail and customer service retail establishments in a "shopping center" setting. This type of district is usually located at or near the intersections of two arterial streets or highways but separated from the traditional "central business district" and designed for the convenience of weekly or monthly one-stop shopping and includes such amenities as increased open space and ample off-street parking and loading areas and architectural screening or landscaping.

#### a) Permitted Principal Uses

- 1) All uses permitted in the B-1 Business District.
- 2) The following uses:
  - Antique stores
  - Appliance stores.
  - Bakeries including the baking of goods for local sale.
  - Bowling/pool establishments.
  - Business offices.
  - Caterers.
  - Clock/watch shops.
  - Clothing repair shops.
  - Crockery stores.
  - Department stores.
  - Electrical supply stores.
  - Food lockers.
  - Furniture stores.
  - Furriers.
  - Heating supply stores.
  - Indoor tennis/racquetball establishments.
  - Indoor theaters.
  - Jewelry stores.
  - Laundry and dry cleaning establishments employing not more than seven (7) persons.
  - Lodges and fraternal clubs.
  - Music or musical instrument stores.
  - Natatoriums.
  - Newspaper/magazine stores.
  - Paint, glass, and wallpaper stores.
  - Pet shops.
  - Photographic supplies and camera stores.
  - Plumbing supply stores.
  - Printing, publishing and issuing of newspapers, periodicals, books, stationery and

other reading matter. (CREATED 11/6/90--ORDINANCE NO. E-163)

- Quick printing shops.
- Radio and TV broadcasting studios.
- Restaurants.
- Stationery stores.

b) Permitted Accessory Uses

- 1) Garages for storage of vehicles used in conjunction with the operation of a business.
- 2) Off-street parking and loading areas (see Section 13.0500).
- 3) (See Section 13.0600-Signs and Graphics).

c) Conditional Uses (See Section 13.0400)

- 1) Any use similar in character to the above-listed permitted uses and conducted as a retail business on the premises and catering to the general public.
- 2) One (1) residential quarters per site for the owner or proprietor or caretaker/watchman provided that such quarters are in the principal building, not on the ground level floor, and that entrances and exits to such quarters are direct to the exterior of the building. There shall also be a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for a one bedroom unit, and 750 square feet for a two bedroom unit. A dwelling unit with more than two (2) bedrooms shall not be allowed. Residential quarters in a B-2 District shall be reviewed by the City Plan Commission in the same manner provided for in Section 13.0314 (h) of this Ordinance.
- 3) Petroleum service stations.
- 4) Hotels or motels.
- 5) Taverns.

d) Lot Area and Width

- 1) Lots shall have a minimum area of 5 acres.
- 2) Lots shall be not less than 250 feet in width at the building setback line. (AMENDED 9/24/90--ORDINANCE NO. E-162)

e) Building Height and Area

- 1) No building or parts of a building shall exceed 35 feet in height.
- 2) The sum total of the first floor area of all principal and accessory uses shall not exceed 25 percent of the total lot area. (SUBSECTION e) AMENDED 9/24/96--ORDINANCE NO. E-347)

f) Setback and Yards

- 1) There shall be a minimum building setback of 60 feet from the street right-of-way.
- 2) There shall be a side yard of not less than 60 feet in width on either side of principal buildings.
- 3) There shall be a rear yard of not less than 40 feet. (AMENDED 9/24/90--ORDINANCE NO. E-162)

g) Parking and Loading Space

- 1) There shall be a minimum of two (2) square feet of paved off-street parking area for each one (1) square foot of total retail floor area (see Section 13.0500).
- 2) There shall be adequate off-street loading and unloading space.

h) Special Regulations

To encourage a business use environment that is compatible with the residential character of the City, building permits for permitted uses in the B-2 Business District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and screening and landscape plans, and plans for the provision of public and private utilities including surface drainage.

**13.0317 B-3 GENERAL BUSINESS DISTRICT**

The B-3 Business District is intended to provide for the orderly continuation and revitalization of the older established "central business district" and other older areas of the City where uses are not exclusively of one type but, rather, mixed and include retail sales shops, wholesale and warehousing outlets, and institutional, recreational, and even residential uses. Many of the existing businesses in this district may not meet the requirements of the B-1 or B-2 Business Districts. It is the intent of this district to provide minimum requirements for all new uses of land within the district and a guide for the redevelopment or revitalization of existing uses of land within the district.

a) Permitted Principal Uses

All uses permitted in the B-1 or B-2 Business Districts.

b) Permitted Accessory Uses

- 1) Uses similar in character to the above-listed permitted uses and conducted as business on the premises and catering to the general public except those uses listed below as Conditional Uses.
- 2) Garages for storage of vehicles used in conjunction with the operation of a business.
- 3) Off-street parking and loading areas. (See Section 13.0500).
- 4) (See Section 13.0600 - Signs and Graphics).

c) Conditional Uses

- 1) The following general uses:
  - Auto accessory sales and services.
  - Boarding houses.
  - Hotels and motels.
  - Petroleum service stations.
  - New and used auto and truck sales and service.
  - New and used marine sales and service.
  - Nightclubs and taverns.
  - Pawn shops.

- Places of entertainment for the general public.
  - Public and private institutional uses such as public buildings; churches.
  - Second hand stores.
  - Upholsterer's shops.
  - Existing residential uses (or their replacement when accomplished within one (1) year).
- 2) Residential quarters provided that such quarters are in the principal building, not on the ground level floor, and that entrances and exits to such quarters are separate from any commercial uses in the building. This restriction shall not apply to approved live-work units. There shall also be a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for a one bedroom unit, 750 square feet for a two bedroom unit, and 800 square feet for a three bedroom unit. A new or replacement dwelling unit with more than three (3) bedrooms shall not be allowed. (AMENDED 7/28/2015—ORDINANCE 1330)
  - 3) Adult uses providing that such uses are located not closer than 500 feet from an entrance to a school, church, government office or day care center; and meets or exceeds all the requirements set forth in Chapter 41 of the Hartford Municipal Code. (AMENDED 4/27/04—ORDINANCE NO. E-544)
  - 4) Animal hospitals, provided all principal structures and uses are not less than 100 feet from a residential use.
  - 5) Clubs, fraternities, lodges, and meeting places.
  - 6) Commercial recreation facilities, such as arcades, bowling alleys, dance halls, driving ranges, gymnasiums, miniature golf facilities, physical culture facilities, pool and billiard halls, skating rinks, and theaters.
  - 7) Experimental, testing, and research laboratories (including no fabrication or hardware assembly) provided all principal structures and uses are not less than 100 feet from residential uses.
  - 8) Mortuaries and monument sales.
  - 9) Rest homes and nursing homes at densities not exceeding 20 units per net acre; clinics and children's nurseries provided all principal structures and uses are not less than 40 feet from any lot line.
  - 10) Meat packing, sausage processing and the processing of other prepared meats; poultry and game dressing and packing; locker plants, provided that all meat packing and processing are conducted within an enclosed building.
  - 11) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
  - 12) Warehousing, wholesaling and storage uses.
  - 13) Elderly housing, provided that the following minimum requirements are met:

- a) Residency shall be restricted to tenants 55 years of age or older and such restrictions shall remain on the development until such time as the owner obtains City Plan Commission approval to convert the housing to other residential or nonresidential uses permitted in the district.
- b) No dwelling unit shall have more than three (3) bedrooms.
- c) Minimum total floor area for each unit shall be as follows:
  - Efficiency: 250 square feet
  - 1 Bedroom: 400 square feet
  - 2 Bedroom: 600 square feet
  - 3 Bedroom: 800 square feet
- d) Provisions for access to each floor, common room, and individual unit of the primary building(s) shall comply with applicable State requirements for elderly and disabled access including but not limited to the provision of ramps and/or elevators.
- e) The development site shall abut or have direct access to a public street for a distance not less than thirty (30) feet.
- f) All aspects of the development not specifically addressed in the conditions of approval shall comply with all other regulations of the district. (SECTION 13.0317 (c)(13) AMENDED 6/8/99-- ORDINANCE NO. E-420; REPEALED AND RECREATED 10/24/99-- ORDINANCE NO. E-423; AMENDED 7/28/15—ORDINANCE 1330)

14) Day care facilities. (CREATED 1/28/97--ORDINANCE NO. E-352)

d) Lot Area and Width

- 1) Lots existing at the date of passage of this ordinance and less than 5,000 square feet in area shall not be reduced in size.
- 2) Except for lots within the Historic Preservation District, lots shall have a minimum area of 5,000 square feet. Lots within the Historic Preservation District shall have a minimum area of 3,000 square feet. (AMENDED 4/27/04—ORDINANCE NO. E-544)
- 3) Any lots created after the passage of this ordinance shall be not less than 30 feet in width at the building setback line.

e) Building Height and Area

- 1) No building or parts of a building shall exceed fifty-five (55) feet in height.
- 2) The sum total of the first floor area of all principal and accessory structures may be 100% of the total lot area. (SUBSECTION e) AMENDED 9/24/96--ORDINANCE NO. E-347; AMENDED 7/28/15—ORDINANCE 1330)

f) Setback and Yards

- 1) No minimum setback shall be required.
- 2) No minimum side yard shall be required.
- 3) No minimum rear yard shall be required. (SUBSECTION f) AMENDED 7/28/15—ORDINANCE 1330)

g) Parking and Loading Space (See Section 13.0500)

- 1) There shall be adequate paved off-street parking to meet the needs of the individual uses as approved by the Plan Commission.

- 2) There shall be adequate paved off-street loading and unloading space to meet the needs of the individual related uses constructed in the district after adoption of this Ordinance. (SUBSECTION g) AMENDED 7/28/15—ORDINANCE 1330)

h) Special Regulations

To encourage a business use environment that is compatible with the residential character of the City, building permits for permitted uses in the General Business District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including drainage facilities.

**13.0318 B-4 PROFESSIONAL OFFICE DISTRICT**

The B-4 Business District is intended to provide for individual or limited office, professional, and special service uses where the office activity would be compatible with neighborhood uses and not exhibit the intense activity of retail or wholesale business districts.

a) Permitted Principal Uses

- 1) Administrative and public service offices.
- 2) Banks and financial institutions.
- 3) Barber shops and beauty shops.
- 4) Financial or tax consultants.
- 5) Professional offices of an architect, landscape architect, lawyer, doctor, dentist, clergy, engineer, or other similarly recognized profession.
- 6) Real estate and insurance offices.
- 7) Studios for photography, painting, music, sculpture, dance, or other recognized fine art.

b) Permitted Accessory Uses

- 1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- 2) Off-street parking areas (see Section 13.0500).
- 3) (See Section 13.0600 - Signs and Graphics).

c) Conditional Uses (See Section 13.0400)

- 1) Uses similar in character to the above-listed permitted and accessory uses which are not retail or wholesale and conducted on the premises and catering to the general public.
- 2) Experimental, testing, and research laboratories, provided all principal structures and uses are not less than 100 feet from residential use.
- 3) Rental apartments having not more than two (2) bedrooms on a non-ground level, provided there shall be a minimum floor area of 400 square feet for an efficiency or one (1) bedroom apartment, and 550 square feet for a two (2) bedroom apartment.
- 4) Day care facilities. (CREATED 1/28/97--ORDINANCE NO. E-352)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 12,000 square feet.
- 2) Lots shall have a minimum width of 90 feet at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) No accessory building shall exceed 15 feet in height.
- 3) The sum total of the first floor area of all principal and accessory structures shall not exceed 40 percent of the lot area. (SUBSECTION e) AMENDED 9/24/96--ORDINANCE NO. E-347)

f) Setback and Yards

- 1) There shall be a minimum building setback equal to the average of the existing setback of the buildings on each side of the proposed use but not less than 25 feet where there are not existing buildings.
- 2) There shall be a minimum side yard equal to the required side yard in the adjacent district.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking and Loading Space

There shall be a minimum of one (1) square foot of paved off-street parking space for each one (1) square foot of floor space and one and one-half (1-1/2) spaces per dwelling unit (with a minimum of two spaces, see Section 13.0500).

h) Special Regulations

To encourage a business use environment that is compatible with residential character of the City, building permits for permitted uses in the Professional Office District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, ingress, egress, parking, loading and unloading, and screening and landscape plans.

**13.0319 B-5 HIGHWAY BUSINESS DISTRICT**

The B-5 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer service establishments which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

a) Permitted Principal Uses

- 1) Auto sales and service.
- 2) Auto and truck accessory sales.
- 3) Building supply stores excluding lumber yards.
- 4) Drive-in establishments providing service to customers without the necessity of their entering the building.

- 5) Fast food stores.
- 6) Fuel service stations, provided that all service islands and pumps shall meet the setback requirements specified herein.
- 7) Motels and hotels.
- 8) Other motor vehicles sales and service.
- 9) Restaurants.
- 10) Trailer sales or rentals.
- 11) Tractor and other farm implement sales and service.
- 12) Transit bus station.
- 13) Furniture Store. (CREATED 9/12/88--ORDINANCE NO. E-119)
- 14) Dwelling units provided they are located above the first floor and above a permitted business use. Public access to the business uses shall be separated from the entrance to the residential use. The architectural elements of the entire building shall be of similar materials and design. All outdoor storage, pet areas, porches, and clothes lines shall be screened from public view. (CREATED 2/25/92--ORDINANCE NO. E-203)

b) Permitted Accessory Uses

- 1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- 2) Off-street parking and loading areas (see Section 13.0500).
- 3) (See Section 13.0600 - Signs and Graphics).

c) Conditional Uses

- 1) Uses similar in character to the above-listed permitted and accessory uses and conducted as a business on the premises and catering to the general public.
- 2) Truck stop, not for the purpose of transferring or off-loading goods, or for the long-term storing or parking of vehicles.
- 3) Ice dealers, not including manufacturing thereof.
- 4) Payday Lenders as defined herein, provided no other Payday Lender is located within 5,000 feet and no residential district is located within 250 feet. No Payday Lender may be open between the hours of 9:00 p.m. and 6:00 a.m. (CREATED 4/10/12—ORDINANCE NO. 1287)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 20,000 square feet.
- 2) Lots shall be not less than 100 feet in width at the building setback line.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) No accessory building shall exceed 15 feet in height.
- 3) The sum total of the first floor area of all principal and accessory structures shall not exceed 30 percent of the lot area. (SUBSECTION e) AMENDED 9/24/96--ORDINANCE NO. E-347)

f) Setback and Yards

- 1) There shall be a minimum building setback of 40 feet from the right-of-way of all streets.
- 2) There shall be a minimum side yard on each side of all buildings of not less than equivalent to the yards in the adjoining district or 10 feet, whichever applies.
- 3) There shall be a rear yard of 25 feet.

g) Parking and Loading Space

There shall be a minimum of three (3) square feet of off-street parking and loading spaces for each square foot of retail sales or service space under roof (see Section 13.0500).

h) Special Regulations

To encourage a business use environment that is compatible with the residential character of the City, building permits for permitted uses in the Highway Business District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

**13.0320 M-1 WHOLESALE/WAREHOUSE DISTRICT**

The M-1 Wholesale/Warehouse District is intended to provide for the orderly and attractive grouping at appropriate locations of business or industrial activities which are basically wholesale, including storage of both wholesale and retail goods but not including the retail sale of such goods.

a) Permitted Principal Uses

- 1) Establishments for the wholesale of goods and materials other than chemical, flammable, liquid, gaseous, vaporous, or explosive substances where such goods or materials are temporarily stored inside a building or within an open area visually screened from public streets, roads, or highways and adjacent non-industrial uses and where the individual goods or materials are not reduced in size or basically changed in character.
- 2) Storage buildings or yards for goods and materials other than chemicals, flammable liquids, and gaseous, vaporous, or explosive substances where such goods or materials are temporarily stored inside a building or within an open area visually screened from public streets, roads, or highways and adjacent non-industrial uses and where the individual goods or materials are not reduced in size or basically changed in character.

b) Permitted Accessory Uses

- 1) Garages for storage of licensed vehicles used in conjunction with the operation of the business or for occupants of the premises.
- 2) Offices normally auxiliary to the principal use.
- 3) Off-street parking and loading access, including parking ramps and garages (see Sections 13.0200 and 13.0500).
- 4) (See Section 13.0600 - Signs and Graphics).

c) Conditional Uses

- 1) Establishments for the temporary storage of vehicles used in the transport of goods and materials.
- 2) Establishments for the transfer of wholesale goods and materials from one transport vehicle to another.
- 3) Buildings, structures, or tanks used for the storage of chemicals, flammable liquids, and gaseous or vaporous substances.
- 4) Yards and structures used for the temporary storage or holding of animals not for slaughter.
- 5) One (1) residential quarters per site for the owner or proprietor or caretaker/watchman provided that such quarters are in the principal building, not on the ground level floor, and that entrances and exits to such quarters are direct to the exterior of the building. There shall also be a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for a one bedroom unit, and 750 square feet for a two bedroom unit. A dwelling unit with more than two (2) bedrooms shall not be allowed. Residential quarters in an M-1 District shall be reviewed by the City Plan Commission in the same manner provided for in Section 13.0314 of the Municipal Code. (CREATED 12/8/86--ORDINANCE NO. E-78)
- 6) Heights greater than those allowed in Section 13.0320(e)(1). (CREATED 4/19/16—ORDINANCE NO. 1351)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 20,000 square feet.
- 2) Lots shall not be less than 100 feet in width at the building setback line.

e) Building Height and Area

- 1) No building, no part of a building and no goods or materials stored shall exceed 45 feet in height, except as provided in 13.0320(c)(6). (AMENDED 4/19/16—ORDINANCE NO. 1351)
- 2) The sum total of the floor area of the principal building, all accessory buildings, and all parking and loading areas shall not exceed 60 percent of the lot area; and, when storage yards are included shall not exceed 80 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets, roads, or highways.
- 2) There shall be a side yard on each side of all buildings not less than 10 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking and Loading Space

- 1) There shall be a minimum of one (1) square foot of off-street parking space for each 10 square feet of enclosed storage or operations area and for each 20 square feet of open storage area (see Section 13.0500).
- 2) There shall be adequate loading area to accommodate all necessary loading and unloading activities on the premises, and no loading dock or area shall be located closer than 100 feet from the right-of-way of a public access street.

#### h) Special Regulations

To encourage a business use environment that is compatible with the residential character of the City, building permits for permitted uses in the M-1 District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

### **13.0321 M-2 LIMITED INDUSTRIAL DISTRICT**

The M-2 Industrial District is intended to provide for manufacturing or fabrication operations, such as C.D.M. which, on the basis of physical and operational characteristics, would not be detrimental to the immediate surrounding area or to the City as a whole by reason of smoke, odor, noise, dust, flash, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect. All uses in this district must meet the State of Wisconsin industrial standards.

#### a) Permitted Principal Uses

- 1) All uses permitted in the M-1 district. (CREATED (9/24/90--ORDINANCE NO. E-162)
- 2) All uses involving the manufacture of goods within the confines of a building and in which any smoke, noise, dust, flash, or odor produced in the manufacturing process is confined within the building.
- 3) All uses involving the fabrication of materials within the confines of a building and in which any smoke, dust, flash, noise, or odor produced in the fabrication process is confined within the building.
- 4) All uses involving the provision of a service which is either manufacturing- or fabrication-related, not permitted in business districts and confined within a building, and in which smoke, dust, flash, noise, or odor produced by such service uses is confined within the building.

#### b) Permitted Accessory Uses

- 1) Enclosed as well as screened areas for the storage of materials, other than explosive or flammable materials or substances used in the manufacturing or fabrication process.
- 2) Offices normally auxiliary to the principal use.
- 3) Garages for the storage of licensed vehicles used in conjunction with the operation of the industrial use.
- 4) Auxiliary power generators.
- 5) Off-street parking and loading areas (see Section 13.0500).
- 6) Non-illuminated or internal illuminated non-flashing signs (see Section 13.0600 - Signs and Graphics).

#### c) Conditional Uses

- 1) General business offices compatible with adjacent uses in the district.
- 2) Storage of explosive or flammable materials related to the permitted principal use.
- 3) One (1) residential quarters per site for the owner or proprietor or caretaker/watchman provided that such quarters are in the principal building, not on the ground level floor and

that entrances and exits to such quarters are direct to the exterior of the building. There shall also be a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for a one bedroom unit, and 750 square feet for a two bedroom unit. A dwelling unit with more than two (2) bedrooms shall not be allowed. Residential quarters in an M-2 District shall be reviewed by the City Plan Commission in the same manner provided for in Section 13.0314 of the Municipal Code. (CREATED 12/8/86--ORDINANCE NO. E-78)

- 4) Heights greater than those allowed in Section 13.0321(e)(1). (CREATED 4/19/16—ORDINANCE NO. 1351)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 20,000 square feet.
- 2) Lots shall not be less than 100 feet in width at the building setback line.

e) Building Height and Area

- 1) No building or part of a building shall exceed 35 feet in height, except as provided in 13.0321(c)(4). (AMENDED 4/19/16—ORDINANCE NO. 1351)
- 2) The sum total of the floor area of the principal building and all accessory buildings shall not exceed 50 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
- 2) There shall be a side yard on each side of all buildings not less than 15 feet in width.
- 3) There shall be a rear yard of not less than 25 feet.

g) Parking and Loading Space

- 1) There shall be a minimum of one (1) off-street parking space for each employee and no parking will be allowed within ten (10) feet from a public right-of-way (see Section 13.0500).
- 2) There shall be adequate loading areas to accommodate all necessary loading or unloading activities on the premises, and no loading dock or area shall be located within a street setback area and no closer than 100 feet from the right-of-way of a public access street.

h) Special Regulations

To encourage a business and industrial use environment that is compatible with the residential character of the City, building permits for permitted uses in the M-2 District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

**13.0322 M-3 GENERAL INDUSTRIAL DISTRICT**

The M-3 General Industrial District is intended to provide for the same type of manufacturing and fabricating operations and uses as in the M-2 Industrial District plus more intensive uses such as Steel Craft or Chrysler Outboard, however, located in those areas where the relationships

to surrounding land uses would create fewer problems of compatibility. The M-3 Industrial District also permits those activities generally perceived as being of a nuisance nature or considered to be hazardous. All uses in this district must meet State of Wisconsin industrial standards as well as performance standards set forth in Section 13.0700. Such districts should not normally abut directly upon residential, commercial or institutional districts.

a) Permitted Principal Uses

- 1) All uses as permitted in the M-2 district.
- 2) All manufacturing, fabricating, and storage uses not permitted in any other industrial district (except the manufacture or fabrication of explosives, flammable liquids, chemicals, and gaseous or vaporous substances) as long as such permitted uses are carried on within an enclosed structure or within a totally screened yard area.

b) Permitted Accessory Uses

- 1) Enclosed as well as screened open storage of materials other than explosive or flammable materials or substances used in the manufacturing or fabrication process.
- 2) Offices normally auxiliary to the principal use.
- 3) Garages for the storage of vehicles used in conjunction with the operation of the industrial use.
- 4) Auxiliary power generators.
- 5) Off-street parking and loading areas (see Section 13.0500).
- 6) Non-illuminated or internal illuminated non-flashing signs (see Section 13.0600 - Signs and Graphics).

c) Conditional Uses (See Section 13.0400)

- 1) Storage, manufacture, or fabrication of chemicals, explosives, flammable liquids, and gaseous or vaporous substances.
- 2) Landfills; solid and other waste disposal and recovery uses.
- 3) One (1) residential quarters per site for the owner or proprietor or caretaker/watchman provided that such quarters are in the principal building, not on the ground level floor, and that entrances and exits to such quarters are direct to the exterior of the building. There shall also be a minimum floor area of 400 square feet for an efficiency unit, 600 square feet for a one bedroom unit, and 750 square feet for a two bedroom unit. A dwelling unit with more than two (2) bedrooms shall not be allowed. Residential quarters in an M-3 District shall be reviewed by the City Plan Commission in the same manner provided for in Section 13.0314 of the Municipal Code. (CREATED 12/8/86--ORDINANCE NO. E-78)
- 4) Heights greater than those allowed in Section 13.0322(e)(1). (CREATED 4/19/16—ORDINANCE NO. 1351)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 40,000 square feet.
- 2) Lots shall not be less than 150 feet in width at the building setback line.

e) Building Height and Area

- 1) No building, part of a building or structure shall exceed 35 feet in height, except as provided in 13.0322(c)(4). (AMENDED 4/19/16—ORDINANCE NO. 1351)
- 2) The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 50 percent of the lot area.

f) Setback and Yards

- 1) There shall be a minimum building setback of 40 feet from the right-of-way of all streets, roads, or highways.
- 2) There shall be a yard on the side and rear of all buildings of not less than 25 feet in width.

g) Parking and Loading Space

- 1) There shall be a minimum of one (1) off-street parking space for each two (2) employees and no parking shall be allowed within ten (10) feet from a public right-of-way (see Section 13.0500).
- 2) There shall be an adequate loading area to accommodate all necessary loading or unloading activities on the premises, and no loading dock or area shall be located within a front setback area and no closer than 100 feet from the right-of-way of the public access street.

h) Special Regulations

To encourage an industrial use environment that is compatible with the residential character of the City, building permits for permitted uses in the M-3 District shall not be used without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, and screening and landscape plans.

**13.0323 M-4 INDUSTRIAL PARK DISTRICT**

The M-4 Industrial District is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of manufacturing or other industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, flash, smoke, odor, traffic, physical appearance, or other similar factors; and to establish such restrictions as will reasonably insure compatibility with the surrounding area in this respect.

a) Permitted Principal Uses

- 1) Public Utility Facilities. (CREATED 6/2/92--ORDINANCE NO. E-210)

b) Permitted Accessory Uses

None.

c) Conditional Uses (See Section 13.0400)

- 1) All principal and accessory uses permitted in the M-1, M-2, and M-3 districts as long as such uses are wholly contained within a building or buildings arranged in a compatible grouping and a visually attractive setting.
- 2) General office uses compatible with the character and intent of this district.
- 3) Day care facilities. (CREATED 1/28/97--ORDINANCE NO. E-352)
- 4) Heights greater than those allowed in Section 13.0323(e)(1). (CREATED 4/19/16—ORDINANCE NO. 1351)

d) Lot Area and Width

- 1) The area of the total "park" development shall be not less than 25 acres.
- 2) Each individual principal use shall be sited on a lot or parcel of not less than 40,000 square feet in area.
- 3) The width of the total "park" development parcel at the principle street or highway access shall be not less than 600 feet.
- 4) The individual principal use lots or parcels shall be not less than 120 feet in width at the building setback line.

e) Building Height and Area

- 1) No structure or parts of a structure shall exceed 45 feet in height, except as provided in 13.0323(c)(4). (AMENDED 4/19/16—ORDINANCE NO. 1351)
- 2) The sum total of the first floor area of principal and accessory structures shall not exceed 50 percent of the total lot area.

f) Setback and Yards

All structures, employee parking, storage areas, and fences shall be located not less than 45 feet from the right-of-way of a street, road, highway, or a "park" boundary, or not less than 30 feet from any other parcel. Loading docks or areas shall be located not less than 100 feet from the right-of-way of a public access street. (AMENDED 5/14/02--ORDINANCE NO. E-482)

g) Parking and Loading Space

- 1) Off-street parking and loading space adequate to meet the initial and projected needs of the principal use shall be provided for individual lot development within the "park" (see Section 13.0500).
- 2) No loading or unloading will be allowed on streets or accessways within the "park" or on adjacent streets, roads, or highways.

h) Special Regulations

- 1) The owner or developer of the industrial park, who shall also be the applicant for a conditional use permit, shall submit with such application a plat which shall be prepared in accordance with the preliminary plat preparation requirements of the City as set forth in the City Land Division Ordinance.
- 2) All streets or accessways within the "park" development shall meet the construction requirements of the City.
- 3) Owners of individual parcels shall be required to submit a site plan of the site for City Plan Commission review and approval prior to receipt of a building permit.

- 4) The front elevations of all principal and accessory structures shall be constructed of masonry material approved by the Architectural Review Board.
- 5) The parcels on which individual principal uses are sited shall be landscaped and storage and loading areas appropriately screened from view of the general public and adjacent areas.
- 6) If the parcels shown on the required "park" development plat are to be sold, the owner/applicant shall be required to submit a final plat of the "park" development pursuant to the requirements of the City Land Division Ordinance.

### **13.0324 I-1 INSTITUTIONAL DISTRICT**

The I-1 Institutional District is intended to be applied where traditional urban services are or can be provided and is further intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or quasi-public ownership and where the use for public purpose is anticipated to be permanent.

#### a) Permitted Principal Uses

- 1) Churches and synagogues.
- 2) Hospitals, sanatoriums, nursing homes, and clinics.
- 3) Libraries, museums, and art galleries.
- 4) Public or private schools, colleges and universities.
- 5) Public administrative offices, including fire and police stations.
- 6) Public utility offices.
- 7) Elderly housing, including but not limited to Community Based Residential Facility or Residential Care Apartment Complex, as defined in the Wisconsin State Statutes. (CREATED 10/24/99--ORDINANCE NO. E-423)

#### b) Permitted Accessory Uses

- 1) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- 2) Residential quarters for caretakers or clergy (not for rent and on the same parcel as the principal use).
- 3) Service buildings and facilities normally accessory to the permitted uses.
- 4) See Section 13.0600 - Signs and Graphics.

#### c) Conditional Uses (See Section 13.0400)

- 1) Airport, landing fields, heliport pads, aircraft storage and equipment, manufacture, assembly, and maintenance in accord with Chapter 9, provided that the overall site is not less than 20 acres in size. (AMENDED 3/23/99--ORDINANCE NO. E-415)
- 2) Bus and rail terminals and related equipment storage and maintenance.
- 3) Cemeteries and mausoleums.
- 4) Electric generation plants and electricity regulating substations.
- 5) Liquid and gaseous petroleum substations.
- 6) Public service uses, garages, and storage areas.
- 7) Radio and television transmitting and receiving towers; microwave relay stations.
- 8) Transit and car pooling parking areas.
- 9) Wastewater Treatment Plant.
- 10) Water storage tanks, towers, and pump buildings.

11) Day care facilities. (CREATED 1/28/97--ORDINANCE NO. E-352)

d) Lot Area and Width

- 1) Lots shall have a minimum area of 7,200 square feet.
- 2) Lots shall be not less than 60 feet in width at the building setback line.

e) Building Height and Area

- 1) No principal building or structure or parts thereof shall exceed 50 feet in height except for transmitting towers.
- 2) No accessory building shall exceed 15 feet in height.
- 3) The sum total of the first floor area of all principal use and accessory buildings shall not exceed 70 percent of the total area of the lot.

f) Setback and Yards

- 1) There shall be a minimum building setback from the right-of-way of all streets, roads, or highways equal to the average setback on each side of the use parcel or district.
- 2) There shall be a minimum side yard equal to the side yard on adjacent use parcels or districts.
- 3) There shall be a rear yard of not less than 25 feet.

g) Off-street Parking and Loading Space

- 1) See Section 13.0500.
- 2) Sufficient paved off-street loading area shall be provided to accommodate all anticipated loading and unloading needs on the premises.

h) Special Regulations

To encourage an institutional use environment that is compatible with the residential character of the City, building permits for permitted uses in the Institutional District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

**13.0325 P-1 PARK AND RECREATION DISTRICT**

The P-1 Park District is intended to provide for areas where the recreational needs, both public and private, of the populous can be met without undue disturbance of the natural resources and adjacent uses.

a) Permitted Principal Uses

- 1) Boat access sites.
- 2) Botanical gardens and arboretums.
- 3) Forest and wildlife preserves.
- 4) Golf courses without country club facilities.

- 5) Historic and monument sites.
- 6) Outdoor ice-skating and hockey rinks.
- 7) Parks--general recreation.
- 8) Parks--leisure and ornamental.
- 9) Picnic areas.
- 10) Playgrounds.
- 11) Play lots or tot lots.
- 12) Recreation centers.
- 13) Skiing and tobogganing slopes.
- 14) Swimming beaches.
- 15) Tennis courts.

b) Permitted Accessory Uses

- 1) Any structures necessary for the operation or use of a permitted use.
- 2) Off-street parking areas (see Section 13.0500).
- 3) See Section 13.0600 - Signs and Graphics.

c) Conditional Uses (See Section 13.0400)

- 1) Amphitheaters.
- 2) Archery ranges.
- 3) Arenas and fields houses.
- 4) Bathhouses and swimming pools.
- 5) Conservatories.
- 6) Exhibition halls.
- 7) Fairgrounds.
- 8) Golf courses with country club/restaurant facilities.
- 9) Golf driving ranges.
- 10) Gymnasiums.
- 11) Marinas.
- 12) Museums and art galleries.
- 13) Music halls.
- 14) Sportsmen's clubs and hunting preserves.
- 15) Polo fields.
- 16) Riding academies.
- 17) Play fields or athletic fields.
- 18) Skeet and trap shooting ranges provided that the firing of rifled arms and shotgun slugs shall not be permitted directly toward or over any highway, road, or navigable water, directly toward any building or structure, or directly toward any population concentration within one (1) mile of the site.
- 19) Stadiums.
- 20) Zoological facilities.

d) Lot Area and Width

- 1) Lots in the P-1 Park District shall provide sufficient area for any principal structure or accessory structures as well as necessary off-street parking and loading areas.
- 2) Lots shall not be less than 60 feet in width at the principal street access.

e) Building Height and Area

- 1) No building or parts of a building shall exceed 35 feet in height.
- 2) The sum total of the floor area of all buildings shall not exceed 10 percent of the total park area.

f) Setback and Yards

No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.

g) Parking and Loading Space

There shall be sufficient off-street parking space provided to accommodate users of the park or recreation area (see Section 13.0500).

h) Special Regulations

To encourage a park use environment that is compatible with the residential character of the City, building permits for permitted uses in the Park District shall not be issued without prior review by and approval of plans for such use by the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

**13.0326 C-1 LOWLAND CONSERVANCY DISTRICT**

The C-1 Lowland Conservancy District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the City of Hartford. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City.

The boundaries of the C-1 Lowland Conservancy District are based on the Wisconsin Wetland Inventory Map for the City of Hartford, dated October 27, 1988, and stamped "FINAL", and include, but are not limited to, all shoreland wetlands within the municipality, five acres or greater in area shown on that map. (AMENDED 6/25/96--ORDINANCE NO. E-331)

a) Principal Permitted Uses. The following permitted principal uses shall be allowed, subject to SHD-1 and SHW-1 shoreland overlay zoning regulations contained in this chapter, the provisions of Wisconsin Statutes Chapters 30 and 31 and the provisions of other applicable local, State, and Federal laws:

- 1) Activities and uses which do not require the issuance of a conditional use permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Subsections 13.0326 (b) and 13.0326 (c).
  - a) Hiking, fishing, swimming, boating, unless prohibited by other ordinances and laws.

- b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  - c) The pasturing of livestock.
  - d) The cultivation of agricultural crops.
  - e) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- 2) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland as listed in Section 13.1208 (b).
  - 3) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Section 13.0326 of this ordinance, provided that:
    - a) The road cannot, as a practical manner, be located outside the wetlands;
    - b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section 13.1208 (b) of this ordinance;
    - c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - d) Road construction activities are carried out in the immediate area of the roadbed only; and
    - e) Any wetland alteration must be necessary for the construction or maintenance of the road.
- b) Permitted Accessory Uses. The following accessory uses which do not require the issuance of a conditional use permit shall be allowed, subject to SHD-1 and SHW-1 Shoreland Overlay zoning regulations contained in this Chapter, the provisions of Wisconsin Statutes Chapters 30 and 31 and the provisions of other applicable local, State, and Federal laws, and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- 1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  - 2) The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries.
  - 3) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredging spoil adjacent to the drainage system provided that dredging spoil is placed on existing spoil banks where possible.
  - 4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  - 5) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  - 6) The maintenance, repair, replacement, or reconstruction of existing roads, highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

- 7) The construction or maintenance of electric, gas, telephone, water, and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:
  - a) The transmissions and distribution facilities and railroad lines cannot, as a practical manner, be located outside the wetland.
  - b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland such as those identified in 13.1208 (b).
  
- c) Conditional Uses. The following conditional uses which require the issuance of a conditional use permit under subsection 13.0330 shall be allowed, subject to SHD-1 and SHW-1 Shoreland Overlay zoning regulations contained in this chapter, the provisions of Wisconsin Statutes Chapters 30 and 31 and the provisions of other applicable local, state, and federal laws and which may include filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
  - 1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, and the maintenance only of other existing private road, provided that:
    - a) The road cannot as a practical matter be located outside the wetland, and provided that the road is designed, constructed, and maintained to minimize adverse impact upon the natural functions of the wetland, such as those identified in 13.1208 (b).
    - b) The road is designed, constructed, and maintained with the minimum cross-sectional area practical to serve the intended use, and that road construction and maintenance activities are carried out in the immediate area of the roadbed only.
  
  - 2) The construction or maintenance of nonresidential buildings provided that only limited filling or excavating necessary to provide structural support for the building, and provided that the building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or some other use permitted in the shoreland-wetland district, and provided that:
    - a) The building cannot, as a practical manner, be located outside the wetland.
    - b) Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area.
  
  - 3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
    - a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wisconsin Statutes Chapter 29, where applicable.
    - b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in subsection 13.1208 (b).

- c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purposes of improving wildlife habitat and to otherwise enhance wetland values.
- 4) Conditional use applications in SHD-1 and SHW-1 Shoreland Overlay Districts, which are also located in the C-1 Lowland Conservancy District, shall also be subject to the requirement of Section 13.1208.
- d) Prohibited Uses. Any use not listed in subsection 13.0326 (a) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with this chapter and Wisconsin Statutes Section 59.97 (5)(e). Rezoning procedures and criteria are found in Section 13.1208. (SECTION 13.0326 REPEALED AND RECREATED 4/10/89--ORDINANCE NO. E-130; AMENDED 6/25/96--ORDINANCE NO. E-331)

### **13.0327 C-2 UPLAND CONSERVANCY DISTRICT**

The C-2 Conservancy District is intended to be used to preserve, protect, enhance, and restore all significant woodlands, areas of rough or steep topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the City.

#### a) Permitted Principal Uses

- 1) Agricultural uses when conducted in accordance with County Soil and Water Conservation District standards.
- 2) Fishing and hunting as allowed and regulated in other City ordinances.
- 3) Forest and game management.
- 4) Public or private open space.
- 5) Preservation of scenic, historic, and scientific areas.
- 6) Single-family dwellings with attached or detached garages.

#### b) Permitted Accessory Uses

- 1) Gardening tool and storage sheds no more than 180 square feet in area incidental to the residential use.
- 2) General farm buildings including barns, silos, sheds, and storage bins.
- 3) Non-habitable park or recreation structures.
- 4) See Section 13.0600 - Signs and Graphics.

#### c) Conditional Uses (See Section 13.0400)

None

#### d) Lot Area and Width

- 1) Lots shall have a minimum area of five (5) acres.
- 2) Lots shall be not less than 300 feet in width at the building setback line.

- 3) When lands in the C-1, F-1, and/or F-2 District lie adjacent to lands in the C-2 District and under the same ownership, such lands may be used to meet the lot area requirements of the C-2 District.

e) Building Height and Area

- 1) No principal building or parts of a principal building shall exceed 35 feet in height.
- 2) The minimum floor area of a dwelling unit shall be as provided in Section 13.0303 of this ordinance.

f) Setback and Yards

- 1) There shall be a minimum building setback of 45 feet from the right-of-way of all streets, roads, or highways.
- 2) There shall be a side yard on each side of all structures of not less than 30 feet in width.
- 3) There shall be a rear yard of not less than 35 feet.

g) Off-street Parking and Loading Space

Off-street parking and loading space to accommodate permitted principal and accessory uses on the premises (see Section 13.0500).

h) Special Regulations

To encourage uses that are compatible with the residential character of the City, building permits for permitted uses in the Conservancy District shall not be issued without prior review by and approval of the City Plan Commission. Said review and approval shall be concerned with adjacent uses, general layout, building plans, building materials, ingress, egress, parking, loading and unloading, screening and landscape plans, and provision of utilities including surface drainage.

**13.0328 FWO FLOODWAY OVERLAY DISTRICT**

(REPEALED 6/12/07—ORDINANCE NO. 1148)—New Chapter 16

**13.0329 FCO FLOODPLAIN CONSERVANCY OVERLAY DISTRICT**

(REPEALED 6/12/07—ORDINANCE NO. 1149)—New Chapter 16

**13.0330 UFO URBAN FLOODPLAIN REGULATORY OVERLAY DISTRICT**

(REPEALED 6/12/07—ORDINANCE NO. 1149)—New Chapter 16

**13.0331 HAPEO-HISTORIC ARCHITECTURE PRESERVATION & ENHANCEMENT OVERLAY DISTRICT**

The HAPEO District is intended to provide for both the protection, preservation, restoration and rehabilitation of those structures within specific areas of the city which have architectural beauty and/or historic significance as well as the review and approval of development and redevelopment of building sites and the construction or reconstruction and maintenance of

individual buildings and appurtenances within the District. Regulations as subsequently set forth shall apply to all structures and properties lying within a designated HAPEO District as established by affirmative action of the City Historic Preservation Committee, the City Plan Commission and the Common Council and delineated on the official zoning map(s) of the City. These regulations shall be supplemental and in addition to any regulations of the underlying basic use district(s) as follows:

a) Special Regulations

- 1) A building or occupancy permit shall not be issued for an existing structure within the District boundaries which is proposed to be structurally or physically altered in any way thereby bringing about a change in the shape, size, architecture, and color of the structure which is visible from public right-of-way in the vicinity of the structure without the Building Inspector first having received approval to issue such permit from both the City Historic Preservation Committee and the City Plan Commission.
- 2) A building permit shall not be issued to construct a building or other structure on any premises within the District boundaries without the Building Inspector first having received approval to issue such permit from both the Historic Preservation Committee and the City Plan Commission.
- 3) A permit to move or demolish an existing building within the District boundaries shall not be issued without the Building Inspector first having received approval to issue such permit from both the City Historic Preservation Committee and the City Plan Commission.

b) Procedure

- 1) When requested by either the Building Inspector/Zoning Administrator or the Plan Commission, the City Historic Preservation Committee shall, within 30 days from the date of such request, review and make recommendations to the City Plan Commission on proposals for construction, renovation, maintenance, moving, and demolition of buildings and structures within the HAPEO district boundaries. Such recommendations shall be concerned with: architectural style; the age and condition of the structure; the character of the structure, site and adjacent uses; compatibility of the proposed change with the building and adjacent uses; general aesthetics; and, any other applicable factors set forth in review guidelines and/or standards as established by the City Historic Preservation Committee.
- 2) In making recommendations to the City Plan Commission, the Historic Preservation Committee may recommend approval of the permit, disapproval of the permit with reasons, or approval of the cited as part of the recommendation.
- 3) The City Plan Commission may either follow the recommendation of the Historic Preservation Committee, return the proposal to the Historic Preservation Committee for reconsideration with a 30 day time extension, or if the City Plan Commission and Historic Preservation Committee cannot agree, request that the Common Council take action on the matter.

- 4) If at the end of 75 days from the date of receipt of the proposal no action has been taken on the matter, the proposal shall be declared approved except that any structure designated pursuant to City ordinance as an example of outstanding architecture shall not be structurally altered so as to change the visual aesthetics and dimensions of the structure.

### **13.0332 SHD-1 SHORELAND OVERLAY DISTRICT, DODGE COUNTY**

- a) District Boundaries. The SHD-1 Shoreland Overlay District encompasses all land annexed to the City of Hartford from Towns in Dodge County after May 7, 1982 which are:
  - 1) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lake, ponds, or flowages in the City of Hartford shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (DNR) publication "Surface Water Resources of Washington County" or are shown on United States Geological Survey Quadrangle Maps.
  - 2) Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the City of Hartford shall be presumed to be navigable if they are designated as streams on United States Geological Survey Quadrangle Maps.
- b) Determinations of Navigability and High Water Mark. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the DNR for a final determination of navigability or ordinary high water mark. When a project is proposed in the shoreland of a stream designated as intermittent on the United States Geological Survey Quadrangle Maps, the Zoning Administrator shall inspect the project site to determine whether the stream is navigable as defined in subsection 13.0619 of this chapter or shall contact the district office of the DNR for a determination of navigability. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, Dodge County soil survey maps, or other existing Dodge County floodplain zoning maps may be used to delineate floodplain areas.
- c) Farm Drainage Ditches Exempted. Under Wisconsin Statutes Section 144.26 (2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, this section does not apply to lands adjacent to farm drainage ditches if:
  - 1) Such lands are not adjacent to a natural navigable stream or river.
  - 2) Those parks of such drainage ditches adjacent to such lands were not navigable streams before ditching.
  - 3) Such lands are maintained in nonstructural agricultural use.
- d) Greater Restrictions and Compliance. Where an ordinance adopted under a statute other than Wisconsin Statutes Section 59.97 is more restrictive than this chapter, that ordinance shall continue in full-force and effect to the extent of the greater restrictions, but not otherwise. The use of any land or water, the size, shape, and placement of lots, and use, size, type, and location of structures on lots, the installation and maintenance of water supply and waste

disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation and the subdivision of lots, shall be in full compliance with the terms of this section and other applicable local, state, or federal regulations. (However, see Section 13.0807 for standards applicable to nonconforming uses.) Buildings, signs, and other structures shall require a permit unless otherwise expressly excluded by a provision of this chapter. The property owner, builders, and contractors are responsible for compliance with the terms of this chapter.

e) Permitted Principal Uses.

- 1) Principal uses permitted in the underlying County zoning district at the time of annexation to the City.

f) Permitted Accessory Uses.

- 1) Accessory uses permitted in the underlying County zoning district at the time of annexation to the City.
- 2) One boathouse not used for home habitation and used solely for the storage of boats and related equipment not to exceed one story and 15' in height and 500 sq. ft. in area. Boathouses shall be set back a minimum of five (5) feet from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards.

g) Setbacks from the Water.

- 1) Lots that abut on Navigable Waters. All buildings and structures, except piers, boat hoists, and boathouses, shall be set back at least seventy-five (75) feet from the ordinary high water mark of navigable waters.

h) Removal of Shore Cover.

- 1) Purpose. The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion, and reduce effluent, sediment, and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased, or dying trees or shrubbery.
- 2) Shoreland Cutting. Tree and shrubbery cutting in an area extending thirty-five (35) feet inland from all points along the ordinary high water mark, shall be limited in accordance with the following provisions:
  - a) No more than thirty (30) feet in any one hundred (100) feet, as measured along the ordinary high water mark, may be clear cut to the depth of the thirty-five (35) foot area.
  - b) In the remaining seventy (70) feet, as measured from the ordinary high water mark, cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water, and to control erosion.

In shoreland areas more than thirty-five (35) feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.

i) Filling, Grading, Lagooning, Dredging, Ditching, and Excavating.

- 1) General Standards. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit under subsection 13.0332 (i)(2) may be permitted in the shoreland area provided that:
  - a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
  - b) Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of subsection 13.0326 of this chapter.
  - c) All applicable federal, state, and local authority is obtained in addition to a permit under this chapter.
  - d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or bulkhead.
- 2) Permit Required. Except as provided in subsection 13.0330 (i)(3), a conditional use permit is required for the following activities:
  - a) For any filling or grading of any area which is within three hundred (300) feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
    - Any filling or grading on slopes of more than twenty (20%) percent.
    - Filling or grading of more than one thousand (1,000) sq. ft. on slopes of twelve (12%) to twenty (20%) percent.
    - Filling or grading of more than two thousand (2,000) sq. ft. on slopes less than twelve (12%) percent.
  - b) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred (300) feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- 3) Soil Conservation Practices and Agricultural Drainage Maintenance.
  - a) Soil conservation practices such as tiled terraces, runoff diversions, and grassed waterways used for erosion control shall not require a permit under subsection 13.0332 (i)(2) when designed and constructed to Soil Conservation Service technical standards.

b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

- The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross-section unless a special exception permit under subsection 13.0330 (i)(2)(b) is obtained.
- Ditch banks shall be constructed at a slope of two (2) horizontal to one (1) vertical (fifty percent (50%) grade) or flatter.
- Ditch banks shall be maintained in a vegetative cover.

4) Permit Conditions. In granting a conditional use permit under subsection 13.0332 (i)(2), the Plan Commission shall attach the following conditions, where appropriate, in addition to those provisions specified in subsections 13.0400:

- a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- d) Lagoons shall be constructed to avoid fish trap conditions.
- e) Fill shall be stabilized according to accepted engineering standards.
- f) Filling shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

j) Dimensions of Building Sites.

1) Lots Not Served by Public Sanitary Sewer.

- a) Minimum Area and Width for each Main Building. The minimum lot area shall be forty thousand (40,000) sq. ft. and the minimum average lot width shall be one hundred twenty-five (125) feet, at the setback line, and one hundred twenty-five (125) feet at the ordinary high water mark.

The minimum side yard of each principle structure shall be no less than ten (10) feet, and the aggregate width of both side yards shall be twenty-five (25) feet.

Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40 percent the lot width and a minimum width of one side yard of 40 percent of the aggregate.

b) No new lots shall be created in the SHD-1 Shoreland Overlay District which are not served by public sanitary sewer.

2) Lots Served by a Public Sanitary Sewer.

a) Minimum Area and Width for each Main Building. The minimum lot area shall be ten thousand (10,000) sq. ft. and the minimum average lot width shall be eighty (80) feet.

There shall be a side yard for each main building of ten (10) feet.

(SECTION 13.0332 CREATED 6/25/96--ORDINANCE NO. E-331)

### **13.0333 SHW-1 SHORELAND OVERLAY DISTRICT, WASHINGTON COUNTY**

a) District Boundaries. The SHW-1 Shoreland Overlay District encompasses all lands annexed to the City of Hartford from Towns in Washington County after May 7, 1982 which are:

1) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lake, ponds, or flowages in the City of Hartford shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (DNR) publication "Surface Water Resources of Washington County" or are shown on United States Geological Survey Quadrangle Maps.

2) Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the City of Hartford shall be presumed to be navigable if they are designated as streams on United States Geological Survey Quadrangle Maps.

b) Determinations of Navigability and High Water Mark. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the DNR for a final determination of navigability or ordinary high water mark. When a project is proposed in the shoreland of a stream designated as intermittent on the United States Geological Survey Quadrangle Maps, the Zoning Administrator shall inspect the project site to determine whether the stream is navigable as defined in subsection 13.0619 of this chapter or shall contact the district office of the DNR for a determination of navigability. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, Washington County soil survey maps, or other existing Washington County floodplain zoning maps may be used to delineate floodplain areas.

c) Farm Drainage Ditches Exempted. Under Wisconsin States Section 144.26 (2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, this section does not apply to lands adjacent to farm drainage ditches if:

1) Such lands are not adjacent to a natural navigable stream or river.

2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.

- 3) Such lands are maintained in nonstructural agricultural use.
- d) Greater Restrictions and Compliance. Where an ordinance adopted under a statute other than Wisconsin Statutes Section 59.97 is more restrictive than this chapter, that ordinance shall continue in full-force and effect to the extent of the greater restrictions, but not otherwise. The use of any land or water, the size, shape, and placement of lots, and use, size, type, and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation and the subdivision of lots, shall be in full compliance with the terms of this section and other applicable local, state, or federal regulations. (However, see Section 13.0807 for standards applicable to nonconforming uses.) Buildings, signs, and other structures shall require a permit unless otherwise expressly excluded by a provision of this chapter. The property owner, builders, and contractors are responsible for compliance with the terms of this chapter.
- e) Permitted Principal Uses.
- 1) Principal uses permitted in the underlying zoning district.
- f) Permitted Accessory Uses.
- 1) Accessory uses permitted in the underlying zoning district.
  - 2) One boathouse not used for home habitation and used solely for the storage of boats and related equipment not to exceed one story and 15' in height and 500 sq. ft. in area. Boathouses shall be set back a minimum of five (5) feet from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards.
- g) Setbacks from the Water.
- 1) Lots that abut on Navigable Waters. All buildings, structures, except piers, boat hoists, boathouses, and open fences which may require a lesser setback, shall be set back at least seventy-five (75) feet from the ordinary high water mark of navigable waters.
  - 2) Reduced Building Setbacks. A setback of less than that required by subsection f (1) may be permitted by the Zoning Administrator where there is at least one (1) main building on either side of the applicant's lot, within two hundred (200) feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one (1) side, the setback shall be the average of the existing building's setback and the required setback.
- h) Remove of Shore Cover.
- 1) Purpose. The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion, and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased, or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

- 2) Shoreland Cutting. Tree and shrubbery cutting in an area parallel to the ordinary high water mark, shall be limited in accordance with the following provisions:
    - a) No more than thirty (30) feet in any one hundred (100) feet, as measured along the ordinary high water mark, may be clear cut to the depth of the thirty-five (35) foot area.
    - b) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
  - 3) Paths. Any path, road, or passage within the thirty-five (35) foot area shall be constructed and surfaced so as to effectively control erosion.
  - 4) Cutting Plan. As an alternative to subsection (h)(2), a special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit, pursuant to subsection 13.0400. The Plan Commission may grant such a permit only if it finds that such special cutting plans:
    - a) Will not cause undue erosion or destruction of scenic beauty; and
    - b) Will provide substantial visual screening from the water of dwellings, accessory structures, and parking areas. Where the plan calls for replacement plantings, the Plan Commission may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.
  - 5) Cutting more than thirty-five (35) feet inland. From the inland edge of the thirty-five (35) foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.
- i) Filling, Grading, Lagooning, Dredging, Ditching, and Excavating.
- 1) General Standards. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit under subsection 13.0333 (i)(2) may be permitted in the shoreland area provided that:
    - a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
    - b) Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of subsections 13.0326 of this chapter.
    - c) All applicable federal, state, and local authority is obtained in addition to a permit under this chapter.
    - d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or bulkhead.

- 2) Permit Required. Except as provided in subsection 13.0333 (i)(3), a conditional use permit is required for the following activities:
  - a) For any filling or grading of any area which is within three hundred (300) feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
    - Any filling or grading on slopes of more than twenty (20) percent.
    - Filling or grading of more than one thousand (1,000) sq. ft. on slopes of twelve (12) to twenty (20) percent.
    - Filling or grading of more than two thousand (2,000) sq. ft. on slopes less than twelve (12) percent.
  - b) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred (300) feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- 3) Soil Conservation Practices and Agricultural Drainage Maintenance.
  - a) Soil conservation practices such as tiled terraces, runoff diversions, and grassed waterways used for erosion control shall not require a permit under subsection 13.0333 (i)(2) when designed and constructed to Soil Conservation Service technical standards.
  - b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
    - The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under subsection 13.0330 (i)(2)(b) is obtained.
    - Ditch banks shall be constructed at a slope of two (2) horizontal to one (1) vertical fifty (50) percent grade or flatter.
    - Ditch banks shall be maintained in a vegetative cover.
- 4) Permit Conditions. In granting a conditional use permit under subsection 13.0333 (i)(2), the Plan Commission shall attach the following conditions, where appropriate, in addition to those provisions specified in subsection 13.0400:
  - a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
  - b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
  - c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
  - d) Lagoons shall be constructed to avoid fish trap conditions.
  - e) Fill shall be stabilized according to accepted engineering standards.

- f) Filling shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
- j) Conditional Uses.
  - 1) Planned Unit Developments. Planned Unit Developments are intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of Planned Unit Developments is the preservation of open space, preferably on the shoreland, in perpetuity.
  - 2) Requirements for Planned Unit Development. The Plan Commission may approve a Planned Unit Development in the SHO-1 District either by approving first a Conditional Use Permit and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:
    - a) Area. The area proposed for the Plan Unit Development is at least forty (40) acres in size.
    - b) Pollution Control. The location and nature of the sanitary systems which will serve the homesites individually or collectively will assure that effluent from the sanitary systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
    - c) Preservation of Ground Cover. The location of homesites and the dedication of part of the land for use by the public or residents of the Planned Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development, a homeowner's association, or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
    - d) Density. The number of platted homesites shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, and widths provided by the applicable provisions of the land division and zoning ordinances.

- e) Lot Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in Wisconsin Administrative Code Chapter H85, and shall not be so small as to cause pollution or erosion along streets or other public highways and waterways or so small as to substantially depreciates the property values in the immediate neighborhood. Shore cover provisions in section 13.0333 (h) shall apply except that maximum width of a lake frontage opening shall be one hundred (100) feet.
- 3) Procedure for establishing a Planned Unit Development Conditional Use Permit. The procedure for obtaining a permit for a Planned Residential Unit Development Conditional Use shall be as follows:
- a) Petition. An application setting forth all of the facts required in subsection 13.0333 (i)(2) shall be submitted to the administrator with 25 copies to provide for distribution.
  - b) Review and Hearing. The application shall be submitted to the Plan Commission, which shall hold a public hearing. Copies of the notice of the hearing shall also be sent to the appropriate district office of the DNR as described in subsection 13.0403 (b) of this code.

The Plan Commission's deliberation shall include the recommendations of any federal, state, or local agency with which the Plan Commission consults. If a petition seeks approval of a Planned Unit Development plat without first seeking the granting of a Conditional Use Permit, a hearing shall be held on such plat. If, however, a hearing is first held on the Conditional Use Permit for a Planned Unit Development, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the Conditional Use Permit as approved.

- c) Findings and Conditions of Approval. The Plan Commission shall make written findings as to the compliance or noncompliance of the proposed permit with each of the applicable requirements set forth in subsection 13.0333 (j)(2). If the petition is granted in whole or part, the Plan Commission shall attach such written conditions to the approval as are required by and consistent with subsection 13.0400. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, and the location of septic systems and the preservation of ground cover and open space.
  - d) Planning Studies. A landowner or petitioner may at his or her own expense develop the facts required to establish compliance with the provisions of subsection 13.0333 (j)(2) or may be required to contribute funds to the City of Hartford to defray all or part of the cost of such studies being undertaken by the City or any agency or person with whom the City contracts for such work.
  - e) Sanitary Regulations. All Planned Unit Developments within the SHW-1 Shoreland Overlay District shall be serviced by municipal sanitary sewer and public water systems.
- k) Dimensions of Building Sites.

- 1) Lots Not Served by Public Sanitary Sewer.
  - a) Minimum Area and Width for each Main Building. The minimum lot area shall be twenty thousand (20,000) sq. ft. and the minimum average lot width shall be one hundred (100) feet.
  - b) No new lots shall be created in the SHW-1 Shoreland Overlay District which are not served by public sanitary sewer.
- 2) Lots Served by a Public Sanitary Sewer.
  - a) Minimum Area and Width for each Main Building. The minimum lot area shall be ten thousand (10,000) sq. ft. and the minimum average lot width shall be sixty-five (65) feet.
- 3) Substandard Lots.
  - a) Substandard Lots Served by a Public Sanitary Sewer. A substandard lot served by a public sanitary sewer which is at least seven thousand five hundred (7,500) sq. ft. in area and is at least fifty (5) feet in width at the building setback line and at least fifty (50) in width at the ordinary high water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning Administrator if it meets all of the following requirements.
    - Such use is permitted in the zoning district.
    - The lot was on record in the County Register of Deeds Office prior to the effective date of this chapter.
    - The lot was in separate ownership from abutting lands prior to the effective date of this chapter. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this chapter, the substandard lot shall not be sold or used without full compliance with the terms of this chapter, including minimum area and width requirements found in subsections 13.0333 (j)(1) and 13.0333 (j)(2) of this chapter.
    - All other dimensional requirements of this chapter (including side yard and setback) shall be complied with.
  - b) Substandard Lots Not Served by Public Sanitary Sewer. A substandard lot not served by public sanitary sewer which is at least ten thousand (10,000) sq. ft. in area and at least sixty-five (65) feet in width at the building setback line and at least sixty-five (65) feet in width at the ordinary high water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning Administrator if it meets all of the requirements of subsection 13.0333 (j)(2)(a).
  - c) Other Substandard Lots. Except for lots which meet the requirements of subsections 13.0333 (j)(2) or 13.0333 (j)(3), a building permit for the improvement of a lot having lesser dimensions than those stated shall be issued only after the granting of a variance by the Board of Appeals.

(SECTION 13.0333 CREATED 6/25/96--ORDINANCE NO. E-331)

### **13.0334 WP-1 WELLHEAD PROTECTION OVERLAY DISTRICT**

#### a) Purpose and Authority

The purpose of the Wellhead Protection Overlay District is to protect the municipal water supply of the City of Hartford through regulations that restrict certain land uses and practices that are potentially harmful to ground water quality.

Statutory authority of the City to enact these regulations was established by Wis. Stats. 59.97 and 63.23 (7)(c).

#### b) Applicability

The regulations specified in the Wellhead Protection Overlay District shall apply to all lands within the Thirty Day Time of Travel or Five Year Time of Travel of all municipal wells, as defined in Appendix A and as mapped in Appendix B within the City of Hartford and are in addition to the requirements of the underlying zoning district, if any. Where requirements for underlying Districts, the Wellhead Protection Overlay District, or any other regulations conflict, the more restrictive regulations shall apply.

#### c) Definitions

- 1) FIVE-YEAR TIME OF TRAVEL - The land area around a well, within which water and any contaminants would reach a pumping well within five years, based on a determination or estimation.
- 2) REGULATED SUBSTANCES - Chemicals and chemical mixtures that are health hazards. Regulated Substances include:
  - a) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)".
  - b) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard and/or mixtures of chemicals which contain more than one-tenth of one percent (.1) of a carcinogen or one (1) percent by weight of non-carcinogen chemical health hazard.
  - c) Petroleum and non-solid petroleum derivatives (except non PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
- 3) THIRTY-DAY TIME OF TRAVEL - The land area around a well, within which water and any contaminants would reach a pumping well within thirty days, based on a determination or estimation.

#### d) Wellhead Protection Overlay District

The Wellhead Protection Overlay District is divided into Zone A and Zone B.

- 1) Zone A is the area of land which surrounds a municipal well out to the line delineating the estimated 30-day time of travel to the well.
- 2) ZONE B encompasses an area between the line delineating the thirty-day time of travel and the boundary line delineating the 5-year time of travel to the well.

e) Permitted Uses - Zone A

- 1) Municipal wells meeting the requirements set forth in NR 811.16, Wis. Adm. Code.
- 2) Parks and playgrounds provided there are no on-site wastewater disposal system or fuel storage tanks. Natural vegetative covers, not requiring the use of pesticides or fertilizers after initial establishment are encouraged.
- 3) Wildlife areas that may include non-motorized (e.g. walking, biking, skiing) recreation trails.
- 4) Routine tillage, planting, and field management in support of crop production wherein all nutrients applied are balanced with crop nutrient need, as determined by University of Wisconsin or other expert soil test recommendations for that field.

f) Permitted Uses - Zone B

- 1) All uses permitted in Zone A.
- 2) Sewered residential development meeting the design standards set forth in Section 13.0334 (i).
- 3) Above Ground LP Gas Tanks for home heating not exceeding 1,000 gallons.
- 4) Municipally sewered park, institutional, commercial, and industrial uses provided that they are not prohibited under Section 13.0334 (k) and the routine use, storage, handling and/or production of Regulated Substances does not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.
- 5) Regulated Substances for non-routine maintenance or repair of property or equipment in amounts not exceeding fifty (50) gallons or four hundred (400) pounds at any time.
- 6) Regulated Substances used in medical and research laboratory uses not exceeding two hundred and fifty (250) gallons or two thousand (2,000) pounds provided that Regulated Substances shall be stored, handled, or used in individual containers not exceeding 5 gallons or 40 pounds.
- 7) Regulated Substances such as cleaning agents and fertilizers not exceeding one hundred (100) gallons or eight hundred (800) pounds provided such substances are packaged for personal or household use or otherwise packaged for use by the general public.

g) Conditional Uses - Zone A

None.

h) Conditional Uses - Zone B

- 1) Municipally sewered Commercial, Industrial and Institutional uses; except those prohibited in Section 13.0334 (k) and that do not meet the criteria described in Section 13.0334 (f)(3-6).
- 2) Exposed or above-ground storage tanks containing hydrocarbons, petroleum or other Regulated Substances except permitted residential heating fuel storage tanks of 1,000 gallons or less.

i) Design Requirements for Permitted and Conditional Uses

All permitted and approved conditional uses must adhere to the following design standards:

- 1) No more than 60% of a lot shall be covered by impervious surfaces such as buildings, driveways or parking lots.
- 2) For all residential land uses served by sanitary sewer, the maximum net density for dwelling units shall be one unit per 20,000 square feet. A minimum of 50% of net developable acreage shall be retained in vegetation that must remain untreated with regulated substance fertilizers and pesticides.
- 3) All institutional, commercial, and industrial uses are allowed a maximum of 50% of the lot area or an area not to exceed the area of impervious surfaces on the lot, whichever is less, to be maintained with fertilizers and/or pesticides. Natural vegetative covers as approved by the Plan Commission, not requiring the use of pesticides or fertilizers after initial establishment are encouraged as an alternative to manicured lawn or grass.
- 4) All parking lots shall be paved with asphalt or concrete.
- 5) All storm drainage shall be retained on site or discharged to a municipally operated storm drain. All stormwater conveyance shall be via a swale lined with appropriate impervious material or a watertight storm sewer pipe. All stormwater detention/retention ponds shall, at a minimum, use a forebay designed to maximize natural filtration.
- 6) All petroleum and other Regulated Substance storage tanks shall provide leak proof containment not less than 125% of the tank volume, except residential heating fuel storage tanks of 1,000 gallons or less.
- 7) Facilities in which Regulated Substances are present shall have a minimum of one loading and unloading area designated for the handling of Regulated Substances. Areas designated for the loading, unloading, or handling of Regulated Substances, to include rail car loading and unloading areas, shall be designed with spill and/or runoff containment that is connected to the municipal sanitary sewer lateral.
- 8) All railroad spurs used to transport Regulated Substances shall be designed to minimize infiltration and convey runoff to a storm water conveyance system.
- 9) Pesticide and fertilizer storage is permitted at the location of retail sales of these products provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.
- 10) All land uses in Zones A and B are subject to NR 811.16, Wis. Administration Code establishing minimum separation distance requirements between wells and other uses. Where requirements conflict, the more restrictive requirements shall apply.

j) Additional Conditional Use Permitting Requirements

Applications for Conditional Use Permits in the Wellhead Protection Overlay District must be accompanied by the following:

- 1) A site plan meeting all standard Site Plan Review Requirements plus a landscaping plan detailing manicured and natural landscaping areas.
- 2) For all Commercial and Industrial uses, a Business Plan and/or other documentation, which describes in detail the use, activities, materials, and structures proposed.
- 3) For all Commercial and Industrial uses, a licensed environmental engineer or similar professional of the City's choosing shall prepare and/or review the following:

- a) An environmental assessment report, which details the risk to, and potential impact of, the proposed use, activities, and structures.
- b) An operational safety plan, which details the operational procedures for materials processes and containment, best management practices, stormwater runoff management, and monitoring of groundwater quality.
- c) A contingency plan, which addresses in detail the actions that will be initiated should a contamination event caused by the proposed use, activities, or structures occur.
- d) The applicant making the request for Conditional Use Permit shall reimburse the City for all consultant fees and expenses associated with Section 13.0334 (j)(3) above at the invoiced amount, plus administrative costs.

k) Prohibited Uses - Zones A and B

- 1) Animal stockyards and feedlots.
- 2) Animal waste storage
- 3) Asphalt production.
- 4) Buried hydrocarbon, petroleum or hazardous chemical storage tanks (hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370).
- 5) Bus and truck terminals.
- 6) Cemeteries.
- 7) Chemical Manufacturers (Standard Industrial Classification Major Group 28).
- 8) Coal storage.
- 9) Dry cleaners.
- 10) Electroplating facilities.
- 11) Exterminating businesses.
- 12) Industrial lagoons or pits.
- 13) Landfills and any other solid waste facility, except post-consumer recycling.
- 14) Motor vehicle fueling, repair, salvage, and junk yard facilities.
- 15) Nonmetallic earthen materials extraction.
- 16) Paint and coating manufacturing facilities.
- 17) Pesticide and fertilizer dealer, mixing, storage, or transfer facilities.
- 18) Printing and duplicating businesses.
- 19) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons or more per day.
- 20) Processing or Storage of Extremely Hazardous Substances as defined under 40 CFR Parts 302 and 355.
- 21) Railroad yards and maintenance stations.
- 22) Rendering plants or slaughterhouses.
- 23) Salt and deicing material storage.
- 24) Spreading, storage, or treatment of septage, wastewater, or sludge.
- 25) Storm water infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention.
- 26) Wood preserving operations.

l) Requirements for existing facilities which may cause or threaten to cause environmental pollution

Existing facilities within the Wellhead Protection Overlay District at the time of enactment which are considered a prohibited use or a conditional use under the terms of this chapter shall be subject to the following:

- 1) Such facilities as described above shall provide copies of current, revised, or new federal, state, and local facility operation approvals, permits, operational safety plans, and ongoing environmental monitoring to the City.
- 2) Such facilities shall have the responsibility of devising, filing, and maintaining with the City a current contingency plan which details emergency response to an event that may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
- 3) Such facilities may not engage in or employ a prohibited or conditional use which they did not engage in or employ at the time of enactment of this ordinance, and may only expand, replace, or rebuild those present uses, activities, equipment, or structures on the property of record at the time of enactment, and in a manner that improves the environmental protection technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or conditional use shall be expanded, replaced, or rebuilt unless a conditional use permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.

m) Changing Technology

- 1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of high risk for pollution to the groundwater resource. If changes to the technology used in a prohibited use results low or non-risk materials or methods, the City may, after conferring with expert opinion and the Plan Commission and after appropriate public notice and hearing, remove from the designated list of prohibited uses such uses that are demonstrated to no longer pose a hazard to groundwater quality.
- 2) It is not the intention of this provision to accept alternative processing, storage and handling, of prohibited pollutant materials as the basis for making a use permissible. The intention of this ordinance is to continue a prohibition on such uses until the technology of the use removes the reliance upon the pollutant material or processes deemed to be a groundwater hazard.

n) Enforcement and Penalty

- 1) PENALTY - Any person who violates, neglects, or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in Chapter 42 of the municipal code.
- 2) INJUNCTION - The City of Hartford may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- 3) NOTICE OF VIOLATION -
  - a) Any person found in violation of any provisions of this ordinance will be served with a written notice stating the nature of the violation and providing for a reasonable time for compliance.
  - b) The notice shall be served in the manner provided by the laws for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.

- 4) **INSPECTIONS** - Subject to the applicable provisions of the law, the City of Hartford Building Inspector or authorized representative thereof shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this ordinance to ensure that activities are in accordance with provisions of 13.0334 (e)(1). Upon request of the entity which is subject of the inspection, and if permitted by State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above stated purposes, the Public Works Committee may authorize an application to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
- 5) **VANDALISM** - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City and/or any other protected public water supply, or which results in the violation of Sections 13.0334 (e)-(1).
- 6) **DETERMINATION OF APPLICABILITY** - It shall be the responsibility of any person owning real property and/or owning or operating a business within the Wellhead Protection Overlay District to make a determination of the applicability of Sections 13.0334 (e)-(1) as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.
- 7) **MANAGEMENT** - No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle", any Regulated Substance on public or private property within the Wellhead Protection Overlay District or in any area under the jurisdiction of said Wellhead Protection Overlay District, except as provided by law, statute, ordinance, rule or regulation. Any violation of this section is hereby determined to be a nuisance.
- 8) **SPILLS, LEAKS OR DISCHARGES** -
  - a) Any person with direct knowledge of a spill, leak, or discharge of a Regulated Substance within the Wellhead Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and not immediately and completely remediated, give notice to the City of Hartford Fire Department utilizing the 911 service, and to the Director of Utilities of the City of Hartford, and to the Wastewater Plant and Systems Director or the persons on duty at the affected or potentially affected facilities by telephone within thirty (30) minutes. The notification shall, at a minimum, include the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations.
  - b) Any entity or person who spills, leaks, or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Hartford in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.
- 9) **CLEAN UP COSTS** - As a substitute for, and in addition to any other action, the City of Hartford may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the remediation costs, together with the costs of prosecution. Any person who causes the

release of any contaminants which may endanger or contaminate the municipal water supply system associated with the Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the City of Hartford and other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, and/or contractor fees, including all administrative costs for oversight, review and documentation, including City employees, equipment, and mileage costs.

o) Conflict Interpretation and Severability

- 1) CONFLICT AND INTERPRETATION OF PROVISIONS - If the provisions of the different sections of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- 2) SEVERABILITY OF CODE PROVISIONS - If any section, subsection, sentence, clause or phrase of the code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Common Council hereby declares that they would have passed this code and each section, subsection, sentence, clause or phrase or portion thereof irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

Appendix A

The boundaries for Zone A and Zone B of the Wellhead Protection Overlay District (WP-1) for each of the City of Hartford's six municipal wells represent the Calculated Fixed Radius (CFR) for the 30-Day and 5-Year Time of Travel as determined by the Wisconsin Department of Natural Resources as part of a 1998 wellhead vulnerability assessment. The CFR factors in such variables as pumpage rates and soil porosity. Where the Calculated Fixed Radius was less than 1200 feet (as was the case in Well #4) the DNR adjusted the radius to 1200 feet as a minimum distance for protection of the well.

Well No.	Porosity (n)	Open Int. (H)	1997 Pumpage Rate	5-Year CFR	30-Day CFR
4	0.05	411 feet	64660100 gals./year	1200 feet	105 feet
10	0.3	10 feet	119308600 gals./year	2909 feet	373 feet
11	0.3	20 feet	60644000 gals./year	1466 feet	188 feet
12	0.3	15 feet	69900700 gals./year	1818 feet	233 feet
13	0.3	8.5 feet	104179000 gals./year	2948 feet	378 feet
15	0.3	50 feet	172103600 gals./year	1562 feet	200 feet

Appendix B

Attached Maps Numbered 1-6 describe and illustrate Zone A and Zone B of the Wellhead Protection Overlay District (WP-1) for each of the City's six municipal wells (Well Nos. 4, 10, 11, 12, 13 & 15)

(SECTION 13.0334 CREATED 9/26/00--ORDINANCE NO. E-443)

## **SECTION 13.0400--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 13.1005 and 13.1400 of this Ordinance.

### **13.0401 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.

### **13.0402 APPLICATION**

Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include at least the following:

- a) Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record within 300 feet.
- b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For conditional uses in any floodland district, such description shall also include information that is necessary for the City Engineer to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground at two (2) foot intervals or less; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.
- c) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 13.0200 for a zoning permit as well as the following: mean and historic high water lines and floodlands on or within 40 feet of the subject premises, and existing and proposed landscaping.
- d) Additional Information as may be required by the Plan Commission, City Engineer, Director of Planning and Community Development, and Zoning Administrator. (AMENDED 11/28/95--ORDINANCE NO. E-311)
- e) Standards Applicable to Conditional Uses in the SHW-1 Shoreland Overlay District, Washington County. In passing upon a conditional use permit, the Plan Commission shall evaluate the effect of the proposed use upon:

- 1) The maintenance of safe and healthful conditions.
  - 2) The prevention and control of water pollution including sedimentation.
  - 3) Compliance with Floodplain Zoning and opportunity for damage to adjacent properties due to altered surface water drainage.
  - 4) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
  - 5) The location of the site with respect to existing or future access roads.
  - 6) The need of the proposed use for a shoreland location.
  - 7) Its compatibility with uses on adjacent land.
  - 8) The amount of liquid and solid wastes to be generated with the adequacy of the proposed disposal systems.
  - 9) Location factors under which:
    - a. Domestic uses shall be generally preferred.
    - b. Uses not inherently a source of pollution within an area shall be preferred over use locations tending to increase that possibility.
    - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- f) Conditions Attached to Conditional Uses within the SHW-1 Shoreland Overlay District, Washington County. Upon consideration of the factors listed above, the Plan Commission shall attach such conditions, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter. Violations of any of these conditions shall be deemed a violation of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and signs; and type of construction. To secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:
- 1) A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology, and vegetative cover.
  - 2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
  - 3) Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.

- 4) Specifications for areas of proposed filling, grading, lagooning, or dredging.
- 5) Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

(SUBSECTIONS e) AND f) CREATED 6/25/96--ORDINANCE NO. E-331)

### **13.0403 REVIEW AND APPROVAL**

The City 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 13.1400. More specifically:

- a) 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.
- b) Notice to DNR: The Zoning Administrator shall transmit a copy of each application for a conditional use permit in the FWO Floodway Overlay District, the FCO Floodplain Conservancy Overlay District, and the UFO Urban Floodplain Regulatory Overlay District, and in the shoreland portion of the C-1 Lowland Conservancy District to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the FWO Floodway Overlay District, the FCO Floodplain Conservancy Overlay District, and the UFO Urban Floodplain Regulatory Overlay District, and in the shoreland portion of the C-1 Lowland Conservancy District shall be transmitted to the DNR within ten (10) days of the effective date of such decision. (AMENDED 4/10/89--ORDINANCE NO. E-130)

### **13.0404 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, 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 Sections 13.1200 and 13.1300 of this ordinance.

(SECTION 13.0405 REPEALED IN ITS ENTIRETY 6/25/96--ORDINANCE NO. E-331)

## **SECTION 13.0500--PARKING, LOADING, TRAFFIC AND ACCESS**

### **13.0501 PARKING REQUIREMENTS**

a\*

In all districts, excepting the B-3 District, and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, changed in use, off-street parking stalls for all vehicles in accordance with the following:

a\* - Parking in B-3 is regulated within the district regulations.

- a) Size of each parking space in a parking lot or areas shall be not less than nine (9) feet wide and 180 square feet in area exclusive of the space required for ingress and egress.
- b) Location shall be on the same lot as the principal use. No parking stall or driveway except in residential districts shall be closer than 30 feet to a residential district. Where no garage exists, off-street parking spaces in residential districts shall be located only in those areas where an accessory structure is permitted. When the parking area is either fenced or screened with an appropriate material or planting so as to eliminate the visual impact of a parking area on adjacent existing or potential residential properties, the setback of parking stalls or driveways may be reduced to 10 feet.
- c) Surfacing. All off-street parking areas and/or driveways in all districts shall be surfaced with asphalt, concrete, paving blocks, gravel, traffic bond or sealcoat; be so graded and drained as to dispose of all surface water accumulated within the area and are self-contained; and be so arranged and marked so as to provide for orderly and safe loading or unloading, parking, and storage of self-propelled vehicles. (AMENDED 12/10/02--ORDINANCE NO. E-508)
- d) Parking Lot Landscaping.
  - 1) Amount Required. In parking lots, at least five percent (5%) of the interior parking area shall be landscaped with plantings, and one (1) tree for each ten (10) spaces shall be installed. Parking lot street frontage screening and perimeter screening shall be a minimum of five (5) feet wide. Planting required within the parking lot is exclusive of other planting requirements, such as for street trees required by Chapter 19.
  - 2) Location. The landscaping should be located in protected areas, such as along walkways, in raised center islands protected by curb and gutter, at the ends of bays protected by curb and gutter, or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.
  - 3) Plant Type. A mixture of hardy flowering and/or decorative evergreen and deciduous trees shall be planted. Evergreens shall be used along the perimeter of the lot for screening from adjacent properties, and the deciduous trees for shade within the lot. Areas between trees shall be mulched or planted with shrubs or ground cover. Any landscaped area that will be under the overhang of vehicles shall be mulched or covered with decorative paving material. (SECTION 13.0501 (d) REPEALED AND RECREATED 7/11/95- - ORDINANCE NO. E-293)
- e) Curbs or Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

- f) The following guide shall be used by the owner/developer and Plan Commission in the design and provision of off-street parking spaces:

<u>USE</u>	<u>SUGGESTED MINIMUM PARKING</u>
Automobile repair garages and service garages.	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work.
Bowling alleys.	Three (3) spaces for each alley.
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly.	One (1) space for each three (3) seats.
Colleges, secondary schools, and elementary schools.	One (1) space for each two (2) employees plus one (1) space for each five (5) students of 16 years of age or more.
Financial institutions	One (1) space per 150 square feet of customer floor area plus one (1) space per employee for the work shift with the largest number of employees. (CREATED 5/19/92—ORDINANCE E-209)
Business, government, and professional offices.	One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.
Funeral homes.	Twenty (20) spaces for each viewing room.
Fuel stations.	Three (3) spaces for each indoor stall or similar facility plus one (1) space for each attendant.
Hospitals, sanatoriums, institutions, rest and nursing homes.	One (1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.
Lodges and clubs.	One (1) space for each five (5) members.
Manufacturing and processing plants, (including meat and food processing plants), laboratories, and warehouses.	One (1) space for each two (2) employees in a 12-hour period.
Medical and dental clinics.	Seven (7) spaces for each doctor.
Motels, hotels.	One (1) space for each guest room plus one (1) space for each two (2) employees.

USE

SUGGESTED MINIMUM PARKING

Motor vehicle sales (new and used).

One (1) space for each 500 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages.)

Restaurants, taverns, and places of entertainment.

One (1) space for each three (3) existing or potential seats.

Retirement homes, orphanages, convents, and monasteries.

One (1) space per 1,000 feet of principal floor area.

Rooming and boarding houses, fraternity and sorority houses, dormitories, and rectories.

One (1) space per bed.

Other uses.

As determined practical by the Plan Commission at the time of site and building plan review.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. The Zoning Administrator shall enforce off-street parking requirements as defined in this ordinance.

**13.0502 LOADING REQUIREMENTS**

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided on the premises as indicated in the district regulations for the loading and unloading of vehicles.

**13.0503 TRAFFIC VISIBILITY**

No obstructions such as structures, automobile parking, fences, or dense vegetation shall be permitted in any district between the heights of two and one-half (2-1/2) feet and seven (7) feet above the mean curb grades within the triangular (vision clearance) space formed by any two existing or proposed intersecting street or alley right-of-way lines (property lines) and a line joining points on such lines located a minimum of 15 feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased from 15 to 25 feet.

**13.0504 DRIVEWAYS**

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

- a) In all Rs Districts, the minimum distance between driveways shall be ten (10) feet; the minimum distance between driveway and lot line shall be five (5) feet; the maximum width of a driveway shall be 25 feet at the curb line and 20 feet at the right-of-way line. Widening

of a driveway on the yard side of the right-of-way line shall, as a minimum, provide for yard area at a 45 degree angle from the property line to the yard side of the driveway. Only one (1) driveway per lot is permitted. The minimum distance between driveway and lot line is waived in the case of joint driveways approved by the Plan Commission. (AMENDED 7/23/90--ORDINANCE NO. E-158; AMENDED 6/25/96--ORDINANCE NO. E-337; AMENDED 11/26/02--ORDINANCE NO. E-505)

- b) In all Rd Districts, the minimum distance between driveways shall be ten (10) feet; the minimum distance between driveway and lot line shall be five (5) feet; one driveway per dwelling unit is permitted. Where separate driveways are installed, the maximum width shall be 25 feet at the curb line and 20 feet at the right-of-way line. Widening of a driveway on the yard side of the right-of-way line, as a minimum, provide for yard area at a 45 degree angle from the property line to the yard side of the driveway. Where a common driveway for both dwelling units is installed, the maximum width shall be 45 feet at the curb line, and 36 feet at the right-of-way line, with a 3-foot planting strip between garages. The minimum distance between driveway and lot line is waived in the case of joint driveways approved by the Plan Commission. (CREATED 6/25/96--ORDINANCE NO. E-337; AMENDED 11/26/02--ORDINANCE NO. E-505)
- c) In the A-1, Rm-1, Rm-2, Rm-3, B-3, B-4, P-1, C-1, C-2, F-1, and F-2 Districts, the minimum distance between driveway and lot line shall be 10 feet; the maximum driveway width at the curb line shall be 30 feet; the maximum driveway width shall be 24 feet beginning at the right-of-way line. The maximum number of driveways permitted for lots with a width of more than 100 feet shall be two (2) and for those lots 100 feet in width or less shall be one (1). The minimum distance between driveways and lot line is waived in the case of joint driveways approved by the Plan Commission.
- d) In the B-1, B-2, B-5, M-1, M-2, M-3, M-4, and I-1 Districts, the minimum distance between driveways shall be 30 feet; the minimum distance between driveway and lot line shall be 15 feet; the maximum driveway width shall be 40 feet beginning at the right-of-way line. The maximum number of driveways per lot shall be one (1), however, if the lot width exceeds 100 feet, two (2) driveways may be permitted. The Plan Commission may approve additional driveways after review of the site plan if it is determined that additional driveways will improve traffic circulation and will not cause detriment to adjacent properties. The minimum distance between driveways and lot line is waived in the case of joint driveways approved by the Plan Commission. (AMENDED 5/19/92--ORDINANCE NO. E-209; AMENDED 3/26/96--ORDINANCE NO. E-324)
- e) Driveway Opening and Offset Requirements on Cul-de-Sacs shall be established by the Land Division Ordinance or by the Plan Commission upon approval of a preliminary plat. The Plan Commission shall seek the recommendation of the Public Works Committee of the Common Council before setting the limits, if not prescribed in the Land Division Ordinance.
- f) Vehicular Entrances and Exits to drive-in banks; motels; funeral homes; vehicular sales; service; washing; and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrances or exits to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

- g) Corner Lots. On minor and collector streets no driveway opening shall be permitted within 15 feet of the intersecting rights-of-way of two intersecting streets and only one driveway on the two legs of intersecting streets may be within 100 feet of the intersecting curb lines.
- h) Residential Driveways shall not extend so as to allow parking in the yard area in front of the principal structure.

(SECTION 13.0504 AMENDED 6/25/96--ORDINANCE NO. E-337)

### **13.0505 ARTERIAL STREET AND HIGHWAY ACCESS**

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. In addition, no direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- a) Freeways, Interstate Highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
- b) Arterial Streets intersecting another arterial street within 150 feet of the intersection of the right-of-way lines.
- c) Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- d) Temporary Access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction and the City Engineer. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

### **13.0506 CITY PARKING AUTHORITY REVIEW**

Whenever the parking, loading traffic and street access requirements as set forth herein and in other established codes and ordinances of the City cannot be met by the applicant, owner, and/or developer such proposals as might be made will be transmitted by the Plan Commission to the City Parking Authority for review and recommendation prior to action thereon by the Plan Commission. The Plan Commission may also request that the Parking Authority review other parking related proposals as may be presented to the Plan Commission prior to action.

### **13.0550 LARGE-SCALE RETAIL DESIGN GUIDELINES AND STANDARDS**

#### **13.0551 INTENT, PURPOSE AND APPLICABILITY**

- a) The intent of these regulations is to:
- Provide direct pedestrian access from the street sidewalk
  - Create a strong relationship between the building and the street
  - Foster architectural steps to bring large buildings to a more human scale

- Encourage attractive design through the use of quality materials, prevalent windows, offsets and projecting ribs in the façade, and interesting roof lines
  - Create numerous auto and pedestrian access points
  - Encourage attractive landscaping
  - Define entryways through the use of canopies, parapets, arches, and outdoor patios
- b) The purpose of these regulations is to augment the existing criteria contained in the B-1 Neighborhood Business District, the B-2 Community Business District, and B-5 Highway Business District and those contained in the Zoning Ordinance and Subdivision Regulations, with more specific interpretations that apply to the design of large retail developments. These guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.
- c) The following guidelines shall apply to all projects which are processed according to the usual criteria for proposed development plans and to all projects for retail establishments of more than 40,000 square feet for a shopping center and 30,000 square feet for an individual retailer in the B-1 Neighborhood Business District, the B-2 Community Business District, and B-5 Highway Business District.

### **13.0552 DESIGN GUIDELINES**

#### a) Aesthetic Character

- 1) Facades and Exterior Walls: Developments with facades over 100 feet in linear length shall incorporate wall projections or recesses having a minimum of 3 foot depth along a minimum of 20 contiguous feet within each 100 feet of façade length and shall extend over 20 percent of the façade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the façade.
- 2) Smaller Retail Stores: Where principal buildings contain additional, separately owned stores which occupy less than thirty thousand (30,000) square feet of gross floor area, but where the whole retail development occupies at least forty thousand (40,000) square feet of gross floor area, with separate, exterior customer entrances:
  - a. The street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.
  - b. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.
- 3) Detail Features: Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
  - Color change
  - Texture change
  - Material module change
  - Expression of architectural or structural variety through a change in plane no less than 12 inches in width, such as offsets, reveals, projecting ribs, bays, or other approved forms of structural variation.
- 4) Roofs: Rooflines shall be varied with a change in height every 100 linear feet in the building length. Parapets, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.

- 5) Materials and Colors: Exterior building materials and colors shall be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.
- a. Predominant exterior building materials shall be high quality materials. These include, without limitation:
    - Brick
    - Wood
    - Sandstone
    - Other native stone
    - Tinted, textured, concrete masonry units
  - b. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
  - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
  - d. Predominant exterior building materials as well as accents should not include the following:
    - Smooth-faced concrete block
    - Smooth-faced tilt-up concrete panels
    - Pre-fabricated steel panels
- 6) Entryways: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
- Canopies or porticos
  - Overhangs
  - Recesses/projections
  - Arcades
  - Raised corniced parapets over the door
  - Peaked roof forms
  - Arches
  - Outdoor patios
  - Display windows
  - Architectural details such as tile work and moldings which are integrated into the building structure and design
  - Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

b) Site Design and Relationship to the Surrounding Community

- 1) Entrances: All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street. The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements
- 2) Parking Lot Orientation: No more than 60 percent of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s)

and/or parking lots are screened from view by outlot development (such as restaurants) and additional tree plantings and/or berms.

- 3) **Backs and Sides:** The minimum setback for any building façade shall be in accordance with the B-1, B-2, and B-5 requirements (Zoning Ordinance, 13.0315(f), 13.0316(f), and 13.0319(f). Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than 4 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Plan Commission to effectively buffer adjacent land use as deemed appropriate.
- 4) **Outdoor Storage, Trash Collection, and Loading Areas:** Loading areas and outdoor storage areas shall be screened with appropriate materials.
  - a. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from immediate public rights-of-way.
  - b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or street, public sidewalk, or internal pedestrian way.
  - c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
  - d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
- 5) **Pedestrian Circulation:**
  - a. Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings and building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, live-growth, ground covers, or other such materials for no less than 50 percent of their length.
  - b. Sidewalks, no less than 5 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
  - c. Internal pedestrian walkways provided in conformance with subsection b above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
  - d. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

6) Central Features and Community Spaces: Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- Patio/seating area
- Pedestrian plaza with benches
- Transportation center
- Window shopping walkways
- Outdoor play area
- Kiosk area
- Water feature
- Clock tower
- Steeple
- Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (SECTION 13.0550 CREATED 12/10/02--ORDINANCE NO. E-512)

## **13.0600--SIGNS AND GRAPHICS**

### **13.0601 INTENT AND PURPOSE**

- a) The purposes of these regulations are to encourage the effective use of signs as a means of communications in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; 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 under the zoning authority of the City 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;
  - 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. (AMENDED 11/28/00--ORDINANCE NO. E-446; REPEALED AND RECREATED 4/22/03—ORDINANCE NO. E-524)
- 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 (see Section 13.0616) 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.
- d) Signs facing on Federal Aid-Primary Highways shall meet all the requirements and regulations set forth in Wisconsin Statutes and federal regulations as well as the regulations for the type and location of signs set forth herein.

### **13.0602 SIGNS PERMITTED IN INDIVIDUAL ZONING DISTRICTS WITHOUT A PERMIT**

The following signs may also be permitted without permit, provided that all ground signs are setback at least five (5) feet from all property lines:

- a) Memorial Signs, Tablets, Name of Building and Date of Erection Signs up to a maximum area of sixteen (16) square feet 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 sixteen (16) 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) Political Signs. Political 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 shall not exceed thirty-two (32) square feet in sign area per sign nor more than a total of thirty-two (32) square feet per individual property (ownership). Such signs must be located on private property. (AMENDED 2/24/09—ORDINANCE NO. 1207)
- f) Window Signs shall meet the standards of the City's Sign Design Guidelines and 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 up to a maximum area of sixteen (16) square feet. Illuminated window signs shall not be used as night lights. In addition to these regulations, window signs in the Central Business District and subject to HAPEO Overlay District requirements shall require a permit and Certificate of Appropriateness, as specified in Section 13.0607 (e). Where multiple windows are adjacent, staff may permit signs to be flexibly displayed provided overall standards are met and staff is consulted before sign placement. Window signs not meeting the above requirement may be allowed by the Plan Commission as a conditional use after a public hearing. (AMENDED 11/28/00--ORDINANCE NO. E-446)
- g) 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, provided that such a flag shall not exceed 24 square feet in area and shall not be flown from a pole exceeding 40 feet in height. A maximum of four such flags per zoning lot are allowed under this provision. The flag of the United States is exempt from this regulation, except all 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, unless a conditional use is applied for and granted by the Plan Commission. (CREATED 11/28/00--ORDINANCE NO. E-446)

(SECTION 13.0602 (2) AMENDED 4/19/11—ORDINANCE NO. 1255)

**13.0603 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 13.0605.

- c) 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 and the permit for such sign shall be void at the end of six (6) months from the date of issuance unless extended by action of the Plan Commission.
- d) 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. (CREATED 5/23/95--ORDINANCE NO. E-291)

### **13.0604 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 Plan Commission 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.
- d) One (1) Temporary Non-illuminated "for sale" sign not larger than four (4) square feet in area placed by the owner or his agent for the one-time sale of personal goods, land, or buildings. (CREATED 4/19/11—ORDINANCE NO. 1255)

### **13.0605 SIGNS PERMITTED IN I-1, B-1, B-4 AND B-5 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. (AMENDED 5/23/95--ORDINANCE NO. E-291)
- 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). (CREATED 5/23/95--ORDINANCE NO. E-291)
- g) Sandwich Board Signs. Portable sandwich-type signs having a maximum sign face size of 8 square feet with a base not exceeding 2 feet in width shall be permitted on private property outside the Central Business District.
  - 1) Sandwich board signs shall not exceed 5 feet in height, shall be of a weight and construction to resist 20 lb. wind loadings, and shall be aesthetically compatible with the commercial area in which the signs are located. Professionally designed signage for on-premise advertising or community service purposes only may be placed on both faces, but illumination or reflective surfaces are prohibited.
  - 2) A business may secure a sign permit for a sandwich board sign for placement on private property in the I-1, B-1, B-2, B-4 and B-5 districts, upon submission of evidence of an insurance certificate in a form approved by the City Attorney in the amount of \$100,000 naming the City of Hartford as an additional named insured party. The applicant shall, as part of its sign permit application, indemnify and hold the City of Hartford harmless from and against any and all liability, loss, cost, damage, or expense, including reasonable

attorney fees arising out of or incurred in connection with each sign and/or damage to any buildings, property, vehicles, or persons injured from any action or inaction by the applicant.

- 3) Sandwich board signs shall not be displayed longer than 15 continuous days at any one business site. Said signs shall be secured inside when the adjacent business is closed.
- 4) Where adjacent building locations make sandwich board sign placement possible outside of private sidewalks, sandwich board signs shall be placed in locations where walking and vehicular traffic are normally prohibited. When on a private sidewalk, the outside edge of the sign must be between 6 inches and 1 foot from the curb perpendicular to the curbline.
- 5) The City of Hartford Zoning Administrator may review sandwich board sign placement and require relocation of any sandwich board sign that creates a traffic or pedestrian hazard. (SUBSECTION g) CREATED 11/28/00--ORDINANCE NO. E-446; SUBSECTION g),6) REPEALED 7/8/03--ORDINANCE NO. E-530)

### **13.0606 SIGNS PERMITTED IN THE B-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 three (3) square feet for each linear one (1) foot of building (store) frontage facing an access street to a maximum of 300 square feet. (AMENDED 11/19/91--ORDINANCE NO. E-196)
- 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; no such sign shall be closer than five (5) feet to any property line; shall not exceed one hundred twenty-five (125) square feet in area; one such sign shall be allowed for each four hundred (400) feet of public street frontage to a maximum of three (3) such signs; such signs shall be spaced a minimum of two hundred (200) feet apart.
- 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-premises 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 period of ten (10) days constituting an occasion and with each occasion being separated by a minimum of twenty (20) days during which time the flags, banners, and/or pennants are removed. (AMENDED 5/23/95--ORDINANCE NO. E-291)
- 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). (CREATED 5/23/95--ORDINANCE NO. E-291)
- g) Sandwich Board Signs. Portable sandwich-type signs shall be permitted in the B-2 District. Regulations on such signs are those enumerated in Section 13.0605 g). (CREATED 11/28/00--ORDINANCE NO. E-446)

### **13.0607 SIGNS PERMITTED IN THE B-3 DISTRICT WITH A PERMIT**

The following signs are permitted in the B-3 Business District upon review and approval of the Zoning Administrator, and subject to the restrictions below. Signs in the City of Hartford Business Improvement District are permitted upon the review and approval of the Plan Commission, and subject to the following restrictions: (AMENDED 4/19/11—ORDINANCE NO. 1255)

- a) Wall signs, to include permanent banners, placed on or against to the exterior wall(s) of business buildings shall not extend more than one (1) foot outside of a building's wall surface, and shall not exceed in sign area the equivalent of three (3) square feet for each linear one (1) foot of building (store) frontage facing an access street for any one (1) premises. Wall signs (and structures) shall not extend above the ceiling level of the first floor of the building upon which they are located and shall not cover windows, doorways or architectural detail. Permanent banners may be used as wall signs provided that they bear no commercial message of any kind.
- b) Projecting signs. One of three types of projecting sign is permitted per principal building.
  - 1) Small decorative projecting signs which shall not exceed 7½ square feet in area and shall not project more than 2½ feet into the public right-of-way.
  - 2) Large vertical art deco projecting signs, generally of metal construction and including neon lettering, which shall not extend over the public way more than 3½ feet, shall have a minimum 4 inch separation from the wall, shall be located so as not to have a significant impact on the visibility of signage on adjacent buildings, shall not extend above the building roof line, and shall be accompanied by an engineering report that the sign is appropriately supported.

No portion of a projecting sign for subsections 1 and 2 above shall be less than ten (10) feet above the sidewalk or fifteen (15) feet above an adjacent alley or vehicle passageway. Signs projecting above a public right-of-way shall be conditioned on the owner obtaining and maintaining in force liability insurance for such a sign in such form

as the City may reasonably determine, in an amount of at least \$100,000 per sign. The maximum number of projecting signs for subsections 1 and 2 above shall be one per principal building, unless projecting signs bearing no commercial message are used, in which case the combined area of each projecting banner beyond the first is counted against the total area permitted for wall signs under 13.0607 (1), and the Plan Commission approves the design, location, and layout for each.

- 3) Permanent banners, each of which shall not exceed 30 square feet, affixed to the wall in at least two points, shall not extend from the building wall more than 3.5 feet, shall be setback from the adjacent right-of-way at least 10 feet, shall not extend above the building roof line, and shall be accompanied by an engineering report that the banner is appropriately supported. Such permanent banners shall be counted against the total area permitted for wall signs under 13.0607 (1). (SECTION 13.0607(b) AMENDED 6/24/2014—ORDINANCE NO. 1315)
- c) Ground signs, and as defined herein, shall not exceed 25 feet in height above the mean centerline grade of the nearest street; shall not exceed in sign area 25 square feet on one side at the setback line but may be increased in sign area size one (1) square foot for each one (1) foot the sign is further set back from the street property line to a maximum of 120 square feet on one side. Only one (1) ground sign shall be allowed to be constructed on a property less than one (1) acre in size and only one (1) on each street frontage of a single (individual) property larger than one (1) acre in size.
- d) Bulletin boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in sign area and located on the premises. Such signs shall be set back from the property line at least ten (10) feet and be illuminated only to the extent necessary to permit reading of the sign from a maximum distance of ten (10) feet.
- e) Signs, including window signs, to be located in any zoning district in the Downtown HAPEO Overlay District or elsewhere in the Central Business District (CBD) shall be subject to any special requirements of the HAPEO Overlay District.
- f) Sandwich Board Signs. Portable sandwich-type signs having a maximum sign face size of 8 square feet with a base not exceeding 2 feet in width shall be permitted on sidewalks within the HAPEO Overlay District, subject to the following:
  - 1) Only sandwich board signs owned or authorized by the Downtown Business Improvement District shall be allowed. They shall not exceed 5 feet in height, shall be of a weight and construction to resist 20 lb. wind loadings, and shall be aesthetically compatible with the Historic District. Professionally designed signage for on-premise advertising or community service purposes only may be placed on both faces, but illumination or reflective surfaces are prohibited.
  - 2) Annually, the Business Improvement District may secure sign permits for 4 (four) such signs, upon submission of evidence of an insurance certificate in a form approved by the City Attorney in the amount of \$100,000 naming the City of Hartford as an additional named insured party in connection with each sign. The Business Improvement District shall, as part of its sign permit application, indemnify and hold the City of Hartford harmless from and against any and all liability, loss, cost, damage, or expense, including reasonable attorney fees arising out of or incurred in connection with each sign and/or

damage to any buildings, property, vehicles, or persons injured from any action or inaction by the Business Improvement District. The Business Improvement District shall require like insurance and indemnification and hold harmless provisions from sign users.

- 3) Sandwich board signs shall not be displayed longer than 15 continuous days at any one business site. The Business Improvement District shall allocate sign location on an equitable basis as determined by the BID Board of Directors. Said signs shall be secured inside when the adjacent business is closed.
- 4) Where adjacent building locations make sandwich board sign placement possible on private property, sandwich board signs shall not be placed on public rights-of-way. When on public property, the outside edge of the sign must be between 6 inches and 1 foot from the curb perpendicular to the curblane.
- 5) The City of Hartford Zoning Administrator may review sandwich board sign placement and require relocation of any sandwich board sign that creates a traffic or pedestrian hazard.
- 6) REPEALED 7/8/03--ORDINANCE NO. E-530)
- g) Combinations of any of the signs in this Section shall meet all the requirements for the individual sign.
- h) Roof signs as defined herein shall not be allowed.
- i) Flags and Pennants as defined herein may be located above the street right-of-way and used for adjacent premise advertising purposes provided that no portion of the flag or pennant is less than 8 feet above the adjacent sidewalk. The use of such flags/pennants shall be limited to a combined total of no more than 90 days per calendar year. When multiple flags and/or pennants are displayed concurrently, each shall be counted toward this maximum (i.e., two flags/pennants, 45 maximum; three, 30 day maximum). Insurance requirements of subsection b) above shall apply.

(SECTION 13.0607 AMENDED 11/28/00--ORDINANCE NO. E-446; SUBSECTION f) AMENDED 7/8/03--ORDINANCE NO. E-530)

### **13.0608 SIGNS PERMITTED IN THE M-1, M-2 AND M-3 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) 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.

### **13.0609 SIGNS PERMITTED IN THE M-4 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 twenty (20) feet in height but may be increased one (1) foot in height for each foot the sign is set back from the five (5) foot setback line to a maximum of thirty-five (35) feet in height; no such sign shall be closer than five (5) feet to any property line; shall not exceed eighty (80) square feet in area but may be increased in sign area one (1) square foot for each foot the sign is set back from the five (5) foot setback line to a maximum of one hundred and twenty-five (125) square feet; one such sign shall be allowed for each four hundred (400) feet of public street frontage to a maximum of three (3) such signs; such signs shall be spaced a minimum of two hundred (200) feet apart. (AMENDED 5/14/02--ORDINANCE NO. E-483)

### **13.0610 SIGNS PERMITTED IN CONSERVANCY AND FLOODLAND ZONING DISTRICTS WITH A SPECIAL PERMIT**

Signs as permitted in Section 13.0603 (a) and (c) shall be permitted in the Conservancy and Floodland Zoning Districts upon the granting of a permit by the Zoning Administrator. (AMENDED 3/26/96--ORDINANCE NO. E-325)

### **13.0611 SIGNS PERMITTED IN P-1 PARK DISTRICTS WITH A SPECIAL PERMIT**

The Zoning Administrator may approve a permit for signs in the P-1 Park District under the following special conditions:

- a) Signs permitted in Section 13.0603 (a) and (c) shall be permitted in the conservancy and floodplain zoning overlay districts upon the granting of a permit by the Zoning Administrator.
- b) Off-premise advertising signs and signs for civic purposes, such as community festivals and fundraising events or municipally sanctioned events, provided that:

#### **Seasonal Advertising Signs**

- 1) The signs are placed only on the perimeter of athletic field fencing.
- 2) The signs are designed to minimize wind load, and the fence in question is capable of withstanding the estimated wind load, in the sole determination of the Parks & Recreation Director.
- 3) The signs are approved for appearance and content by the Parks & Recreation Director.
- 4) Each sign shall not exceed 40 square feet in area and shall be made of lightweight weather resistant fabric.

- 5) The cost of the signs shall be determined by the Park & Recreation Director on a seasonal basis.

(SUBSECTION b) AMENDED 11/28/00--ORDINANCE NO. E-446; AMENDED 4/13/04—ORDINANCE NO. E-542)

- c) Electronic and/or manual scoreboards associated with ball diamonds, soccer fields, tennis courts, or other municipal recreation functions provided that:
  - 1) Advertising and/or acknowledgements for a business or organization which purchased the equipment shall not exceed 20% of the scoreboard area, and in no event shall exceed 50 square feet in area.
  - 2) Each scoreboard shall not exceed 250 square feet in area.

(SECTION 13.0611 CREATED 3/26/96--ORDINANCE NO. E-325)

### **13.0612 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.

### **13.0613 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 (as defined in Section 13.1602). 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. Changeable copy signs are prohibited in the HAPEO Overlay District.

The display on each side of a changeable sign:

- 1) cannot change more frequently than once every six (6) seconds;
- 2) must change as rapidly as technologically practicable; the message must simply appear;
- 3) shall not be animated or flashing;
- 4) time and temperature signs are permitted so long as the display changes no more frequently than once every six (6) seconds.

Those properties that have received Conditional Use Permits for Time/Temperature Signs prior to passage of this ordinance shall be allowed to continue as Conditional Uses provided they meet the conditions set forth in the Conditional Use approval.

(SECTION 13.0613 REPEALED AND RECREATED 4/22/03—ORDINANCE NO. E-524 AMENDED 5/22/07—ORDINANCE NO. 1146)

### **13.0614 EXISTING SIGNS**

(REPEALED 5/22/07—ORDINANCE NO. 1146)

### **13.0615 ADMINISTRATION**

Applications for permits shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny the application within 30 days of receipt unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within 90 days from the date of issuance. Applications shall be made on forms provided by the Zoning Administrator. (AMENDED 3/23/93-- ORDINANCE NO. E-238; AMENDED 11/28/95--ORDINANCE NO. E-311; AMENDED 4/19/11—ORDINANCE NO. 1255)

### **13.0616 INSPECTION AND REMOVAL OF SIGNS**

- a) Signs which promote defunct business enterprises shall be removed within 30 days of the date which said business has ceased operating on the premise. Signs which are not removed according to this section may be made to comply under the provisions of 13.0616(b). (CREATED 5/23/95--ORDINANCE NO. E-291)
- b) From time-to-time the Zoning Administrator may inspect signs within the City for compliance with the provisions of this section and if such provisions are not being met, the Zoning Administrator shall report such fact to the sign owner and request in writing that the sign be made to comply with this section. If the sign is not made to comply with this section, the Zoning Administrator may direct that the sign be removed by the owner, and if not so removed within seven (7) days shall be subject to enforcement action. Signs re-erected after the initial notice of noncompliance shall be subject to immediate enforcement action. (AMENDED 3/23/93--ORDINANCE NO. E-238; AMENDED 11/28/95-- ORDINANCE NO. E-311)
- c) Signs placed within the Right-of-Way or within the Triangular Vision Clearance Space (13.0503) shall be removed immediately by the City as hazards to public safety.

(SECTION 13.0616 AMENDED 4/19/11—ORDINANCE NO. 1255)

### **13.0617 MAINTENANCE OF SIGNS**

The owner of a sign and/or the owner of the land on which the sign is located shall maintain such sign in good and safe condition. Failure to do so, after notice from the Zoning Administrator, shall be cause for enforcement action under Section 13.0616 (b). (AMENDED 3/23/93--ORDINANCE NO. E-238; AMENDED 11/28/95--ORDINANCE NO. E-311; AMENDED 4/19/11—ORDINANCE NO. 1255)

### **13.0618 SIGN CONSTRUCTION STANDARDS**

- a) All signs shall meet applicable building standards found in Chapter 15 of the Hartford Municipal Code and in the International Building Code (IBC). (AMENDED 4/19/11—ORDINANCE NO. 1255)

### **13.0619 SIGN PERMIT FEES**

- a) Application and Sign Erection Permit Fee. Each application for a permit shall be accompanied by permit fee. The fee for permits shall be as determined in Chapter 42 of the Municipal Code. (AMENDED 5/28/96--ORDINANCE NO. E-330)
- b) Fees for Flags, Banners, and Pennants. Each application for a banner permit shall be accompanied by a permit fee. The fee for flags, banners, and pennants shall be as determined in Chapter 42 of the Municipal Code. Flags of recognized government entities are exempt from the permitting requirements. (CREATED 5/23/95--ORDINANCE NO. E-291; AMENDED 5/28/96--ORDINANCE NO. E-330)
- c) Liability. The acceptance of fees as provided herein shall not be deemed an assumption of liability by the City.

### **13.0620 SIGNS PERMITTED WITH A CONDITIONAL USE PERMIT**

The following signs shall be permitted only upon review and approval of a Conditional Use Permit by the Plan Commission, and subject to the following restrictions.

- a) In the I-1, B-1, B-2, B-3, B-4 & B-5 Districts, one ground sign for each street frontage for lots fronting two or more public streets. The number and area of ground signs cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage. Ground signs on one frontage must be located a minimum of 200 feet from the nearest same-lot ground sign on another frontage--measured in a straight line--unless located in such a manner that a permanent structure completely obstructs the view of one free standing sign when viewed from another, in which case the sign may be closer. (SECTION 13.0620 CREATED 4/13/99--ORDINANCE NO. E-417)

(SECTION 13.0600 AMENDED 8/13/91--ORDINANCE NO. E-180)

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## **SECTION 13.0700--PERFORMANCE STANDARDS**

This Ordinance permits specific uses in specific districts; and performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and water, shall hereafter, in addition to their use, site, and sanitary regulations, comply with the performance standards as set forth by those county, state and federal agencies or departments having regulatory jurisdiction concerning air pollution; fire and explosive hazard; glare and heat; water quality; noise; radioactivity and electrical disturbances; and, vibration. Permits for the construction or location of certain industrial, commercial, institutional and other specific uses may require prior review and approval by one or more at the aforementioned agencies or departments, and in reviewing complaints regarding any of the aforementioned agencies or departments, and in reviewing complaints regarding any of the concerns listed above the Building Inspector may require formal technical review and recommendation from such agencies or departments prior to making a decision on the matter.

**SECTION 13.0800--NONCONFORMING USE OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING YARDS, AND CHARACTERISTICS OF USE**

**13.0801 INTENT**

It is the intent of this section to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses and in some cases structures which are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses which would violate the provisions of this ordinance. It is further the intent of this section that any elimination of nonconforming uses or nonconforming structures shall be affected so as to avoid any unreasonable invasion of established private property rights.

**13.0802 EXISTING NONCONFORMING USES**

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

- a) Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.
- b) Total Lifetime Structural Repairs or alterations shall not exceed 50 percent of the City's equalized value of the structure unless it is permanently changed to conform to the use provisions of this ordinance.
- c) Substitution of New Equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

**13.0803 EXISTING NONCONFORMING LAND AREAS**

Lots, parcels or tracts of land which do not conform to the minimum area, size and/or shape requirements of this ordinance at the time of its passage may be allowed to be built upon so long as such parcels and the building to be built meet all other requirements of this ordinance and no such land area is in the same ownership as adjacent lands which if combined would constitute a conforming lot, parcel or tract.

**13.0804 EXISTING NONCONFORMING STRUCTURES**

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

### **13.0805 CHARACTERISTICS OF NONCONFORMING STRUCTURES**

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

### **13.0806 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the interior cubic area of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

### **13.0807 ABOLISHMENT OR REPLACEMENT**

- a) 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 ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the 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 ordinance.
- b) A File of All Nonconforming Uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of this structure, land, or water; type of nonconformance; and assessed value at the time of it becoming a nonconforming use.
- c) The Maintenance and Repair of Nonconforming Boathouses that extend waterward beyond the ordinance high water mark of any navigable waters shall comply with the requirements of Wisconsin Statutes Section 30.121. (CREATED 6/25/96--ORDINANCE NO. E-331)
- d) If the Nonconforming Use of a temporary structure is discontinued such nonconforming use may not be recommended. (CREATED 6/25/96-- ORDINANCE NO. E-331)
- e) Uses Which are Nuisances shall not be permitted to continue as nonconforming uses. (CREATED 6/25/96--ORDINANCE NO. E-331)

### **13.0808 CHANGES AND SUBSTITUTIONS**

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

### **13.0809 FLOODLAND NONCONFORMING USES AND STRUCTURES**

Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this code shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood.

### **13.0810 WETLAND NONCONFORMING USES**

Notwithstanding Section 62.23 (7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure located in the C-1 Lowland Conservancy District and in existence at the time of adoption or subsequent amendment of this Ordinance adopted pursuant to Section 62.231 of the Wisconsin Statutes, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted pursuant to Section 62.231 (5) of the Wisconsin Statutes. Section 62.23 (7)(h), however, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this ordinance or amendment. (CREATED 4/10/89--ORDINANCE NO. E-130)

### **13.0811 CONDITIONAL USES NOT NONCONFORMING USES**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district.

## **SECTION 13.0900--MODIFICATIONS**

### **13.0901 HEIGHT**

The City Plan Commission may permit, after review, the height limit as set forth in the individual district regulations to be exceeded, but such modification shall be in accord with the following:

- a) Architectural Projections, such as spires, steeples and appurtenances, belfries, parapet walls, cupolas, domes, flues, and chimneys, may be exempted from the height limitations of this ordinance.
- b) Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances cooling towers, fire towers, substations, and smoke stacks, may be exempted from the height limitations of this ordinance.
- c) Essential Services, including utilities, water towers, electric power, and communication transmission lines may be exempted from the height limitations of this ordinance.
- d) Communication Structures, such as radio and television transmission reception, relay towers, aerials, and receiving antennas, shall not exceed in height one-half (1/2) their distance from the nearest lot line.
- e) Agricultural Structures, such as barns, silos, and windmills shall not exceed in height one-half (1/2) their distance from the nearest lot line.
- f) Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one (1) foot from each foot the structure exceeds for district's maximum height requirements.

### **13.0902 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, not to exceed 15 feet in height.
  - 2) One structure used for storage, per principal structure not to exceed 15 feet in height and 180 square feet in area.
  - 3) Private swimming pools and cabanas.
  - 4) Fences, walls, and permanent barbecue stoves.
  - 5) Satellite television antennas and conventional antennas.

SECTION 13.0902 A) AMENDED 5/11/93--ORDINANCE NO. E-236

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: 5 feet.

b. Minimum rear yard: 5 feet.

c. Minimum building separation: No detached accessory structure may be located less than ten (10) feet from any structure on the lot. (AMENDED 5/11/93--ORDINANCE NO. E-236)

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. (CREATED 3/23/93--ORDINANCE NO. E-237)

a. Residential Districts. Decorative semi-open fences may be constructed and maintained in a required street yard to a maximum height of four (4) feet and shall be set back at least one foot from the street side property line. Decorative semi-open fences up to six feet in height may be allowed in a street yard provided that the fence complies with the minimum street yard building setback requirements. Decorative fences up to six feet in height shall be permitted in the interior side yard and rear yard provided that they are constructed within the lot boundaries. Those properties that have received permits for fences prior to passage of this ordinance (5/13/03) shall be allowed to continue as previously approved. (AMENDED 1/14/03--ORDINANCE NO. E-519; AMENDED 5/13/03--ORDINANCE NO. E-528)

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'). Fencing utilized for ancillary uses of land such as public recreational facilities may be located in any required yard and shall not exceed a height of fifteen feet (15').
- e. 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. (SECTION 13.0902 REPEALED AND RECREATED 8/11/92--ORDINANCE NO E-214)

### **13.0903 AVERAGE STREET YARDS**

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district and five (5) feet in any business district.

### **13.0904 CORNER LOTS**

All yards abutting to 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.

### **13.0905 FLOODLANDS ELIGIBLE IN MEETING AREA REQUIREMENT**

Where a lot is located partially within the F-1 or F-2 Districts and partially within any other adjoining use district, that portion of the lot in the F-1 or F-2 Districts may be utilized to meet 20 percent of the area requirements of the adjoining use districts.

### **13.0906 EXISTING LOTS**

- a) Any existing lot within a single-family zoning district which does not meet the minimum lot size requirements as set forth in Section 13.0309 of this Chapter may be used as a single family building site provided that the use is permitted in the district regulations; provided that the lot was a separate and distinct lot of record in the office of the County Register of Deeds prior to January 1, 1981; provided that the residence is constructed without violating the yard requirements as set forth in Section 13.0309; and, provided that the floor area requirements as set forth in Section 13.0309 are met.
- b) Any existing residential lot or parcel having more than one principal structure built prior to October 8, 1940 may be divided to accommodate the placing of the existing principal buildings onto separate lots or, the reduction of existing buildings to one-to-a-parcel, if, in the judgment of the Plan Commission, the resulting lots or parcels or the resulting zoning is not detrimental to the neighborhood nor to the spirit and intent of this ordinance, and, further, taking into account the need to continue conformity to zoning district classification regulations, if possible. (CREATED 2/24/86--ORDINANCE NO. E-43)

### **13.0907 REGULATIONS FOR MOVING BUILDINGS**

- a) **General**. No person shall move any building or structure upon any of the public ways of the City without first obtaining a permit therefore from the Building Inspector. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be used, the conditions to be complied with, and shall limit the time during which the moving operations shall be continued.
- b) **Continuous Movement**. The moving of buildings shall be a continuous operation during all the hours of the day, night, and day-by-day, until fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building in the process of being moved shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to fire hydrants or any other public facility. Lights or lighted lanterns shall be kept in conspicuous places at each corner of the building during the night.
- c) **Street Repair**. Every person receiving a permit to move a building shall, within one (1) day after the building reaches its destination, report that fact to the Building Inspector who, in the company of the City Engineer, shall inspect the streets and highways over which the building was moved and ascertain their condition. If the moving operation has caused any damage to any street or highway, the person to whom the permit was issued shall within five (5) working days make any repairs ordered by the City Engineer. Upon the failure of the permit holder to complete the required repairs to the satisfaction of the City Engineer, the City shall cause the repairs to be made and hold the person obtaining such permit and the sureties on his bond responsible for the payment for such repairs. (AMENDED 11/28/95--ORDINANCE NO. E-312)
- d) **Conformance with Building Code**. No permit shall be issued to move a building within or into the City and to establish it upon a parcel within the City until the Building Inspector has made an investigation of the building at the location from which it is to be moved, and is satisfied that the building is in a sound condition and of such construction that it will meet the requirements of the Building Code in all respects. A complete plan of all further repairs, improvements, and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of the Building Code, and that when completed, the building will comply with the Building Code. In the event a building is to be moved from the City to some point outside the jurisdiction of the City, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- e) **Bond Requirement**. 1) Before a permit is issued to move any building over any public way in the City, the party applying therefore shall provide a cash bond or letter of credit to the City in a sum to be fixed by the Building Inspector and which shall not be less than one thousand dollars (\$1,000) and to be executed by all parties concerned, with the written stipulation that the City is not liable for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith, arising out of the removal of the building for which the permit is issued.

- 2) Unless the Building Inspector; upon investigation, shall find that the excavation exposed by the removal of the building from its original foundation is so close to a public thoroughfare as to cause possible hazard and damage to pedestrian and vehicular traffic, the cash bond or letter of credit required shall be conditioned to require the person holding the permit to construct adequate barriers around the excavation and within 48 hours, filling such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector calculated to prevent harm to persons or property.
- f) Insurance. The Building Inspector shall require, in addition to a cash bond or letter of credit, public liability insurance covering injury to one person in the sum of not less than one hundred thousand dollars (\$100,000) and for one accident in a sum not less than two hundred thousand dollars (\$200,000), together with property damage insurance in a sum not less than fifty thousand dollars (\$50,000), or such other coverage as deemed necessary.
- g) Plan Commission Review. 1) Upon receipt of an application for a moving permit the Building Inspector shall request review of the application by the Plan Commission after he has found that the proposed moving complies in all respects with all other ordinances of the City. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within 48 hours after the close of the hearing, the Plan Commission shall, in writing, make a negative or positive finding as required by this section, and file such finding in the office of the City Clerk, who shall transmit a copy of the finding to the Building Inspector.
- 2) No moving permit shall be issued unless it has been found by the Plan Commission, after an examination of the application for the permit, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by this ordinance or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. The application for a moving permit shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located. In case the applicant proposes to alter the exterior of the building after it has been moved, he shall submit with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall provide a cash bond or letter of credit to the Plan Commission, which shall not be less than \$1,000 to be executed in the manner provided in this section to the effect that he will, within a time period to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This cash bond or letter of credit shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality. No occupancy permit shall be issued for a moved building until the exterior alterations proposed to be made have been completed.

- h) Board of Appeals. Any person entitled to appeal of a grant or refusal of a grant for moving building may appeal to the Board of Appeals in the manner as set forth in Section 13.1300 of this ordinance.

## **SECTION 13.1000--ADMINISTRATION**

### **13.1001 PLAN COMMISSION**

- a) The City of Hartford Plan Commission shall have the duties of making reports and recommendations relating to the planning and development of the City 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. 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 and environs.
  
- b) Consultation. Anyone seeking approval of an annexation, a conditional use permit, approval of a preliminary and/or final plat, approval of a Certified Survey Map, approval of a 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. 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. 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, Common Council, or other body determined by the City. 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. (CREATED 11/26/02—ORDINANCE NO. E-501)

### **13.1002 ZONING ADMINISTRATOR DESIGNATED**

The Director of Planning and Community Development is hereby designated as the Zoning Administrator. It shall be the duty of the Zoning Administrator, with the aid of the City police, to enforce the provisions of this ordinance. The Zoning Administrator shall further: (AMENDED 11/28/95-- ORDINANCE NO. E-311)

- a) Maintain Records of all permits issued, inspections made, work approved, and other official actions.
  
- b) Record the First Floor and Lowest Flood (basement or crawlway) Elevations of all structures erected, moved, altered or improved in the floodland districts.
  
- c) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.

- d) 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 report uncorrected violations to the City Attorney in a manner specified by him.
- e) Assist the City Attorney in the prosecution of ordinance violations.
- f) 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 however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- g) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- h) Request Assistance and cooperation from the City Police Department and City Attorney as deemed necessary.
- i) Make Available to the Public, to the fullest extent possible, all reports and documents concerning the City's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Plan Commission may set fees necessary to recover the cost of providing information to the public. Where useful, the Zoning Administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the 100-year recurrence interval flood; or may set marks delineating the boundaries of wetlands. (SECTION 13.1002 REPEALED AND RECREATED 4/10/89-- ORDINANCE NO. E-130)

### **13.1003 ZONING/OCCUPANCY PERMIT REQUIRED**

No building shall be erected, moved, placed, altered, or enlarged, unless otherwise excepted by Section 13.1004 of this ordinance, and no change in ownership or zoning/occupancy 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/occupancy 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 and all other codes and ordinances of the City. Such permit shall be applied for at the time of zoning/occupancy of any land and/or building. Applications for a zoning/ occupancy permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- a) Names and Addresses of the applicant, owner of site, architect, professional engineer and/or contractor.
- b) Description of the Subject Site by lot, block, and recorded subdivision or be metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- c) Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey or location sketch shall show the location, elevations, and use of any abutting lands and their structures within 40 feet of the subject site.
- d) Municipal Sanitary Sewerage connections are required for all new structures used or intended to be used for human habitation or zoning/ occupancy except in the agricultural district.
- e) Additional Information as may be required by the City Planning Commission, Director of Planning and Community Development, City Engineer, or Zoning Administrator.
- f) Zoning/Occupancy Permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within six (6) months unless the premise is actually occupied by the applicant. Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- g) Floodland Districts. Application for a Zoning/Occupancy Permit in the floodland districts shall include a certification by a registered professional engineer or land surveyor that the applicant has fully complied with the floodland regulations set forth in this ordinance.
- h) Existing Uses. Upon written request from the owner or his agent, the Zoning Administrator shall issue a zoning/occupancy permit for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.
- i) Zoning/Occupancy Permit Fees. All applications for the following types of zoning/ occupancy permits shall pay a fee as determined in Chapter 42 of the Municipal Code to the City Clerk:
  - New Construction, Single Family
  - New Construction, Two Family
  - Accessory Structure

Zoning/occupancy permit fees for construction activities requiring Plan Commission approval shall be included in the Plan Commission Site Plan Review Fee established by Section 13.1501 of this ordinance at no additional cost. (SUBSECTION (i) CREATED 5/28/96-- ORDINANCE NO. E-330)

### **13.1004 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. Application for a zoning/occupancy permit may not be waived for any development in a floodland or shoreland wetland district.

### **13.1005 CONDITIONAL USE PERMITS**

The City Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses as specified in each district and in Section 13.0400 after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are not found to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. (AMENDED 6/25/96--ORDINANCE NO. E-331)

### **13.1006 FENCE AND OTHER SUPPLEMENTAL STRUCTURE PERMIT REQUIRED**

No fence, awning, canopy, porch or other supplemental structure shall be erected or constructed in the City of Hartford until a permit is issued by the Building Inspector. A sketch or design of the structure, together with the location plot plan in duplicate, the name of the builder (if any), a written list of material to be used, and the cost shall accompany the application (see Section 13.0902).

### **13.1007 (REPEALED 7/23/90--ORDINANCE NO. E-158)**

### **13.1008 SOLAR AND WIND ENERGY COLLECTION AND ELECTRICAL PRODUCTION DEVICES**

Any active solar and wind energy collection, reflection, conversion, generation, transmission, or storage system and device external to the principal use structure or placed as an accessory or principal use on property within the City of Hartford shall be required to secure a permit for the erection of such system or device from the City Building Inspector prior to such erection or placing. Application for placement or erection of such systems or device shall include detail construction drawings of the entire system including any modification to structures, dimensions of the system and the structure to which it is affixed or connected, distances to the boundaries of the individual property on which the system or device is proposed to be placed, names of the owners of the property as well as names and addresses of individual persons or firms involved in the sale, fabrication, erection, placing, connection and insuring of such system or device. In addition, the applicant for such permit shall provide the Building Inspector with a site plan showing: the location of the system or device on the site and the approximate distance to any structures on adjacent properties; landscaping screens; fences; overhead electric, telephone and TV cables; and permanent ponds or pools of water. The applicant shall, in addition, provide evidence that all applicable county, state and federal regulations have been met and that all applicable regulations of the affected electric utility company have been met.

### **13.1009 OTHER PERMITS**

It is the responsibility of permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

### **13.1010 SATELLITE TELEVISION ANTENNA AND CONVENTIONAL GROUND MOUNTED ANTENNAS**

No satellite television antenna or ground mounted conventional antenna with an individual or combined visual surface area of more than three (3) square feet shall be erected within the City of Hartford without first obtaining a permit from the Building Inspector.

Applications for permits shall be accompanied by a detailed drawing of the location and connection of the satellite antenna and connections including any modification to existing structures; dimensions of the antenna and the structure to which it is affixed or connected; distances to the boundaries of the individual property on which the antenna or device is proposed to be placed; and names of the owners of the property or firms involved in the sale, fabrication, erection, placing, connection and insuring of such antenna or device. In addition, the applicant for such permit shall provide the Building Inspector with a site plan showing: the location of the antenna or device on the site and the approximate distance to any structures on adjacent properties; landscaping screens; and, permanent ponds or pools of water.

In issuing a permit for a television satellite and other ground mounted antenna, the Building Inspector shall ensure that the following minimum standards will be met:

- a) Not more than one satellite earth station or ground mounted antennae shall be allowed per individual recorded lot.
- b) No conventional television, radio or satellite antennae shall be placed in the front yard of any lot.
- c) Satellite or conventional antenna shall be allowed in rear and side yards, however, antenna stations in side yards shall not be any closer to the street line than the established street setback of the principal building or structure.
- d) The antennae shall be setback a distance equal to or greater than the required side and rear yard setbacks for the principal structure within the respective zoning district, but not less than the total vertical height of the antennae.
- e) Satellite earth stations shall not exceed twelve (12) feet in diameter and height.
- f) Satellite antenna or earth stations proposed to be attached to the wall or roof of any principal or accessory structure shall be permitted by the Plan Commission subject to Engineering calculations prepared by a registered professional engineer certifying that the proposed satellite antenna mounting is structurally sound.

- g) Ground mounted satellite and conventional antenna shall meet the height requirements in the zoning district in which they are located. Building mounted antenna shall not exceed the maximum height regulations of the zoning district in which they are located.
- h) All antennas shall be permanently mounted in accordance with the manufacturer's specifications and all installations shall meet wind load design velocity standards of 80 m.p.h.
- i) All ground mounted satellite television antennas shall be landscaped so as to screen them from the general view of people on streets and surrounding lots.
- j) Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the national electrical code.
- k) All cable used to conduct current or signals from the antenna to the receiver shall be installed underground.
- l) Portable or trailer mounted satellite earth stations will not be permitted except that temporary installations for on-site testing and demonstration purposes may be allowed for a period not to exceed ten (10) days.
- m) No form of advertising or identification may be placed on the dish or framework other than the customary manufacturer's identification plates or small logo.
- n) The fee for such permit shall be as determined in Chapter 42 of the Municipal Code.

(SECTION 13.1010 CREATED IN ITS ENTIRETY 10/14/85--ORDINANCE NO. E-29)

## **SECTION 13.1100--SITE, BUILDING, AND OPERATIONS PLAN REVIEW**

### **13.1101 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 at property may, at the discretion and direction of the Plan Commission, only require review and approval of the Director of Planning and Community Development or his designee. (AMENDED 11/28/95--ORDINANCE NO. E-311)

### **13.1102 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 13.1300. 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.

### **13.1103 PRINCIPLES**

To implement and define criteria for the purposes set forth in Section 13.1102 the following principals 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.

### **13.1104 ADMINISTRATION**

Plan data shall be submitted to the Zoning Administrator who shall transmit all applications and their accompanying plans to the Director of Planning and Community Development and Plan Commission for their review. (AMENDED 11/28/95--ORDINANCE NO. E-311; AMENDED 10/14/97--ORDINANCE NO. E-379)

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

- Site plan drawn to scale (including scale and magnetic point).
- Name of project noted.
- Owner's and/or developer's name and address.
- Architect's and/or engineer's name and address.
- Date of plan submittal.
- Existing topography shown at a contour interval not less than two (2) feet.
- Proposed changes in topography.
- The characteristics of soils related to contemplated uses.
- 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.
- Erosion control plans required by Chapter 15.
- Stormwater management plans required by Chapter 15.
- A graphic delineation of any planned development staging.
- Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- Any other information which will assist the Plan Commission in making a determination and recommendation on the proposal.
- Review fees as required in Chapter 42.

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.
- 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.

In addition, landscape plans for proposed uses and sites shall conform with the following district requirements:

Rm-1, Rm-2, and Rm-3 Multi-Family Residential Districts

- Landscape plans shall include foundation, garage, driveway, and yard plantings.
- A landscaped area at least ten (10) feet in depth shall be located between the street right-of-way and driveway or parking areas, and shall be planted with materials suitable for screening or ornamenting.
- If the development includes a parking area which accommodates five (5) vehicles or more, the requirements for parking lot landscaping must also be included on the landscape plan.
- If the development abuts a single or two family residential district, a landscape planting screen at least six (6) feet in height at the time of planting or berm which meets code requirement must be installed.

B-1, B-2, B-3, B-4, B-5 Business Districts or I-1 Institutional District

- Landscape plans shall include foundation and yard plantings.
- A landscaped area at least ten (10) feet in depth shall be located between the street right-of-way and driveway or parking areas, and shall be planted with materials suitable for screening ornamenting.
- If the development includes a parking area which has five (5) vehicles or more, the requirements for parking lot landscaping must also be included on the landscape plan.
- If the development abuts any residential district, a landscape planting screen of at least six (6) feet in height at the time of planting or berm which meets code requirements must be installed.

M-1, M-2, M-3, or M-4 Industrial Districts

- Landscape plans shall include foundation and yard plantings.
- If the development includes a parking area which accommodates five (5) vehicles or more, the Plan Commission may require parking lot landscaping to be included in the plan.

- If the development abuts any residential district, a landscape planting screen of at least six (6) feet in height at the time of planting or berm which meets code requirements must be installed. (SECTION 13.1104 (c) CREATED 12/12/95--ORDINANCE NO. E-313)

### **13.1105 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. Otherwise, the Plan Commission shall review the referred plan data at a meeting within 60 days after the initial application is made. 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. (AMENDED 7/25/95--ORDINANCE NO. E-300; AMENDED 3/24/98--ORDINANCE NO. E-398)

### **13.1106 APPEALS**

Any person or persons 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 13.1200--CHANGES AND AMENDMENTS**

### **13.1201 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 City Plan Commission.

### **13.1202 INITIATION**

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

### **13.1203 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, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- b) Owner's Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- c) Additional Information required by the City Plan Commission, Common Council, Director of Planning and Community Development, or Zoning Administrator. (AMENDED 11/28/95--ORDINANCE NO. E-311)

### **13.1204 RECOMMENDATIONS**

The City Plan Commission shall review all proposed changes and amendments within the City limits 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.

### **13.1205 HEARINGS**

The Common Council shall hold a public hearing upon each petition after recommendation by the City Plan Commission, and shall give notice of such hearings as specified in Section 13.1400 of this ordinance. Prior to such hearings the City Plan Commission may hold public informational meetings to solicit comments from and inform the public prior to their recommendation.

### **13.1206 COMMON COUNCIL'S ACTION**

Following such 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. (AMENDED 3/26/02--ORDINANCE NO. E-480)

### **13.1207 FLOODLAND DISTRICT BOUNDARY CHANGES LIMITED**

The Common Council shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this ordinance; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). In addition:

- a) Changes in the FWO Floodway Overlay District Boundaries shall not be permitted where the change will increase the flood stage elevation by 0.01 foot or more, unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Petitions for Floodway Overlay District changes shall show the affects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- b) Changes in the FCO Floodplain Conservancy Overlay District Boundaries shall not be permitted where the change will increase the flood stage elevation by 0.01 foot or more, unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Petitions for Floodplain Conservancy Overlay District changes shall show the affects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- c) Removal of Land from any Floodland District shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood and further provided that such land is contiguous to lands lying outside of the floodlands.
- d) Amendment of Floodlands Which Were Delineated by Approximate Methods shall not be permitted unless the petitioner provides the City with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth above for changes in subparagraphs (a) and (b) above. If the approximate flood zone is less than five acres in area, and where the cost of the proposed development is estimated to be less than \$125,000, the Department of Natural Resources (DNR) will assist the petitioner in determining the required flood elevations.

- e) No River or Stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity within an altered or relocated water course shall not be reduced to less than the flood carrying capacity before the watercourse was altered or relocated.
- f) Notice to DNR and FEMA. A copy of all notices for amendments or rezoning in any Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) at least 10 days prior to the public hearing. No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR and FEMA. In the case of floodland district boundary changes, an official letter of map amendment from the FEMA may also be required. (SECTION 13.1207 REPEALED AND RECREATED 4/10/89--ORDINANCE NO. E-130)

### **13.1208 AMENDMENTS TO SHO-1, SHW-1, AND C-1 DISTRICTS**

- a) The City Shall Transmit a Notice of any text change, map change, variance or appeal application, or conditional use application to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:
  - 1) A copy of every petition mailed within five (5) days of filing with the City Clerk.
  - 2) At least ten (10) days prior notice of any public hearing on the proposal.
  - 3) Notice of a City Plan Commission recommendation no later than ten (10) days following the recommendation.
  - 4) Notice of a Common Council decision no later than ten (10) days following the decision.
- b) No Wetland in the shoreland portion of a C-1 district shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
- c) If the DNR has notified the City Plan Commission that an amendment to the C-1 district may have a significant adverse impact upon any of the criteria listed in subparagraph (b) above, that amendment, if approved by the Common Council, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shore land ordinance for the City pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated." (SECTION 13.1208 CREATED 4/10/89--ORDINANCE NO. E-130; AMENDED 6/25/96--ORDINANCE NO. E-331)

### **13.1209 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 13.1300--ZONING BOARD OF APPEALS**

### **13.1301 ESTABLISHMENT**

There is hereby established a Zoning Board of Appeals for the City of Hartford for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

### **13.1302 MEMBERSHIP**

The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor and confirmed by the Common Council.

- 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.

### **13.1303 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.

### **13.1304 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 Community Development 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 City 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.
- g) Oaths. The chairman may administer oaths and compel the attendance of witnesses.

The Chairman of the Zoning Board of Appeals and the Zoning Administrator shall be jointly empowered to grant minor variances without Class 2 hearing or notice requirements where a request is not within designated Floodplain or Shoreland Districts, would have met the requirements of the municipal zoning code in effect in 1980 and where, in their opinion, a hardship exists, but the intent of the current ordinance would be met and there appears to be an absence of detriment to others and/or exceptional circumstances. Said minor variances may be granted only after mailing notices as required by Section 13.1306, making affected parties aware of the proposed variance. If any noticed party in writing requests a hearing, the party originally requesting a variance shall be required to proceed in accord with Section 13.1305. (CREATED 11/23/87--ORDINANCE NO. E-102; AMENDED 6/25/96--ORDINANCE NO. E-331)

### **13.1305 APPEALS AND APPLICATIONS**

Appeals from the decision of the Director of Planning and Community Development 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: (AMENDED 11/28/95--ORDINANCE NO. E-311)

- a) Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
- 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 13.1003 for a zoning permit.
- c) Additional Information required by the City Plan Commission, Zoning Board of Appeals, City Engineer, Director of Planning and Community Development, or Zoning Administrator. (AMENDED 11/28/95--ORDINANCE NO. E-311)

### **13.1306 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 13.1400 of this ordinance. At the hearing the appellant or applicant may appear in person or may be represented by agent or attorney.

### **13.1307 NOTICE TO DNR**

The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in the shoreland portion of the C-1 Lowland Conservancy District or to the floodland regulations in a FWO, FCO, or UFO floodland district, and a copy of all shoreland C-1 and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR within 10 days of the date of such decision. (SECTION 13.1307 REPEALED AND RECREATED 4/10/89-- ORDINANCE NO. E-130)

### **13.1308 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: (AMENDED 3/28/95--ORDINANCE NO. E-289)

- a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not stated permitted use, accessory use, or conditional use in that particular district.
- 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) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- d) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- e) 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 of the public interest.
- f) Additional Requirements in Floodland Districts. No variance shall be granted where:
  - 1) Filling and development contrary to the purpose and intent of the F-1 and F-2 Districts would result.
  - 2) A change in the boundaries and Floodland District would result.
  - 3) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
  - 4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.

### **13.1309 WETLAND AND FLOODLAND MAPPING DISPUTES**

- a) Wetland Disputes. Whenever the Board of Appeals is asked to interpret a shoreland C-1 Lowland Conservancy District boundary where an apparent discrepancy exists between the City's Final WETLAND Inventory Map and actual field conditions, the City shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the City Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time.
- b) Floodland Disputes. Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study, or where such information is not available, by experience flood maps or any other evidence available to the Board of Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Appeals shall advise the City Plan Commission of its findings and the Plan Commission shall proceed to petition the Common Council for a map amendment. (SECTION 13.1309 CREATED 4/10/89--ORDINANCE NO. E-130)

### **13.1310 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 City Plan Commission. In addition:

- a) Conditions may be placed upon any zoning permit ordered or authorized by the Board.

- b) Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- c) 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.  
(SECTION 13.1310 REPEALED AND RECREATED 4/10/89--ORDINANCE NO. E-130)

### **13.1311 REVIEW BY COURT OF RECORD**

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

## **SECTION 13.1400--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. (AMENDED 7/25/88--ORDINANCE NO. E-117)

## **SECTION 13.1500--FEES AND PENALTIES**

### **13.1501 PERMIT FEES**

All persons, firms, or corporations performing work which by this ordinance requires the issuance of a permit shall pay a fee for such permit to the City Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for the following permits shall be as determined in Chapter 42 of the Municipal Code.

- a) Amendment to District Map or Ordinance
- b) Conditional Use Permit
- c) Variance or Appeal
- d) Special meeting of the Plan Commission (called for convenience of the petitioner/applicant)
- e) Site plans requiring Plan Commission review (AMENDED 11/22/94--ORDINANCE NO. E-277; AMENDED 5/28/96--ORDINANCE NO. E-330)

It should be noted that the City requires the securing of a permit for the construction or installation of any structure or structural appendage as set forth herein.

### **13.1502 PLANNED UNIT DEVELOPMENT REVIEW FEES**

Applications for Planned Unit Development Review shall pay a review fee to the City Clerk at the time of first application for approval of any Planned Unit Development permitted by this ordinance. Said fees are to assist in defraying the cost of the review, and are separate from any Conditional Use Permit fees required by Section 13.1501 of this ordinance. Fees shall be as determined in Chapter 42 of the Municipal Code. (CREATED 5/28/96--ORDINANCE NO. E-330)

### **13.1503 DOUBLE FEE**

If work is started before a permit is applied for and issued or if land or building occupied prior to issuance of an occupancy permit the owner of the premises will be assessed twice the normal fee or an amount as determined in Chapter 42 of the Municipal Code, whichever is greater.

Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

### **13.1504 ENFORCEMENT AND PENALTIES**

Any building or structure hereinafter erected, moved, placed, or structurally altered or any use hereinafter established in violation of the provisions of this ordinance by any person, firm, association or corporation shall be deemed an unlawful structure or use. The Zoning Administrator may issue a citation to bring an action to enjoin, remove or vacate any use, erection, moving, alteration, or placement of any building or use in violation of this ordinance. Any person who violates this ordinance shall forfeit an amount within the range as shown in Chapter 42 of the Municipal Code for each offense, and each day of violation shall constitute a separate offense. (AMENDED 11/26/02--ORDINANCE NO. E-503)

## **SECTION 13.1600--DEFINITIONS**

### **13.1601 GENERAL DEFINITIONS**

For the purpose of this ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

### **13.1602 SPECIFIC WORDS AND PHRASES**

A Zones - Areas of potential flooding shown on the City's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These areas may be numbered as A0, A1 to A99. The numbered A Zones are reflective of specific flood profiles.

Above-Roof Sign or Graphic - A sign or graphic or any part of a sign or graphic which is displayed above the roof line.

Accessory Structure - A detached building located on the same lot as an existing building, the use of which is incidental or secondary to the principal building and which is not used for human habitation. (CREATED 11/23/99--ORDINANCE NO. E-426)

Accessory Use or Structure - A use or detached structure subordinate to the principal use of a 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.

Acre, Gross - A parcel of land 43,560 sq. ft. in area and including all lands devoted to access to the parcel or devoted to uses attendant to or providing for service to the parcels or residents thereof. (CREATED 10/28/97--ORDINANCE NO. E-386)

Acre, Net - A parcel of land 43,560 sq. ft. in area and including no lands devoted to access to the parcel or devoted to uses attendant to or provided for service to the parcels or residents thereof. (CREATED 10/28/97-- ORDINANCE NO. E-386)

ADT (Average Daily Traffic) - The average number of cars per day that pass over a given point. Methods for calculating ADT for each land use category are found in the Standardized Development Specifications Manual, second edition. (CREATED 2/11/97--ORDINANCE NO. E-354)

Adult Uses –

- a) Adult Bookstore – An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representation which depict or describe specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which depicts nudity or are designed for use in connection with specified sexual activities. (CREATED 4/27/04—ORDINANCE NO. E-544)

- b) Specified Sexual Activities – Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (CREATED 4/27/04—ORDINANCE NO. E-544)
- c) Exemptions – 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. (CREATED 4/27/04—ORDINANCE NO. E-544)

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 he is suffering some specific ascertainable damages or is specifically injured by the actions of this neighbor.

Aisle - The traveled way by which cars enter and depart parking spaces. (CREATED 2/11/97--ORDINANCE NO. E-354)

Alley - A special public right-of-way designed to afford only secondary access to abutting properties.

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

Application for Site Plan - The application form and all accompanying documents required by ordinance for approval of a site plan. (CREATED 11/23/93--ORDINANCE NO. E-252)

Approved Combustible Material - An approved combustible material shall include wood or materials not more combustible than wood; and combustible plastics, which, when tested with ASTM standard methods for flammability of plastics over 0.050 inch in thickness, burn no faster than 2.5 inches per minute when the plastic is 0.060 inches in thickness.

Arcade – An area contiguous to a street or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking area. (CREATED 12/10/02--ORDINANCE NO. E-512)

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

Arterial Street - An urban or rural street whose function it is to convey traffic between municipalities and activity centers. Significant community, retail, commercial and industrial activity may be located on arterials. Arterial streets have high ADT, generally exceeding 3,000. (AMENDED 2/11/97--ORDINANCE NO. E-354).

Articulate – To give emphasis to or distinctly identify a particular element. An articulated facade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height. (CREATED 12/10/02--ORDINANCE NO. E-512)

Automobile Wrecking Yard - Any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open and which does not have a current license plate.

Awning - A movable shelter of canvass placed over a window or door to deflect sun and weather elements and which is retractable. When fully extended an awning may not be less than 7.5 feet above grade directly under the awning nor extend more than 30 inches into a public right-of-way but in all other circumstances may extend an additional six (6) inches from each one (1) foot raised in height above grade--to a maximum extension of 48 inches.

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. (CREATED 11/28/00--ORDINANCE NO. E-446)

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. (CREATED 5/23/95--ORDINANCE NO. E-291)

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. (CREATED 5/23/95--ORDINANCE NO. E-291)

Basement - That portion of any structure located wholly or partly below the average adjoining lot grade.

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.

Berm – An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses. (CREATED 12/10/02--ORDINANCE NO. E-512)

Bi-Level Dwelling - A two-level with one (1) level completely above grade and the lower level half above grade and half below grade; the lower level may or may not have exterior access.

Boardinghouse - A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for five (5) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Boathouses - Any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes. (CREATED 6/25/96--ORDINANCE NO. E-331)

Breezeway – A structure for the principal purpose of connecting a main building or structure on a property with other buildings. (CREATED 12/10/02—ORDINANCE NO. E-512)

Buffer – See also “screen”. An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare – effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses. (CREATED 12/10/02--ORDINANCE NO. E-512)

Buffer Strip – A portion of a lot or property used to visually separate one use from another using vegetation, distance or other approved method. (CREATED 12/10/02--ORDINANCE NO. E-512)

Buildable Area - That area of a lot or parcel not included within required yard areas.

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

Building 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 Code - Chapter 30-Building Code of the Codes and Ordinances of the City of Hartford, Wisconsin.

Building Coverage - Area of the gross acreage of a site occupied by buildings.

Building Face, Front – Any building face, which can be touched by a line drawn perpendicular to street (public or private). (CREATED 12/10/02--ORDINANCE NO. E-512)

Building Face, Public – Any building side which is visible from public or private rights-of-way and/or the faces that contain public entry. (CREATED 12/10/02--ORDINANCE NO. E-512)

Building Height - The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof. Where the building is on a lot which slopes from the rear down to the street, the height will be determined at a point equidistant from the back and front wall of the building.

Building Mass – The building’s expanse or bulk and is typically used in reference to structures of considerable size. (CREATED 12/10/02--ORDINANCE NO. E-512)

Building Space - The designated land area within a condominium project upon which a building must be placed. The building space may not be larger than the buildable area of a smallest lot allowed within the zoning district.

Bulkhead Lines - A geographic line along a reach of navigable water that has been specified by adoption of a municipal ordinance and approved by the Department of Natural Resources pursuant to 30.11, Wis. Stats., and which allows limited filling between the bulkhead line and the

original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Bulletin Board - A sign used by governmental and institutional agencies to publicly display notices of meetings, services, regulations, and announcements.

Business Street Graphics - A sign used for identification purposes, which directs attention to a business or profession conducted upon the premises at which the street graphic is located, and which may also refer to goods or services produced, offered for sale or obtained at such premises.

Canopy - A fixed, rigid shelter affixed to the side of or suspended from a building for the purpose of sheltering from or deflecting sun and weather elements. A canopy may not be placed so as to be less than 7.5 feet above grade directly under the canopy nor extended within a public right-of-way more than 18 inches. In all other circumstances a canopy may be extended as is an awning.

Canopy or Marquee Graphic - A graphic which is attached to a permanent canopy or marquee rather than to the building.

Canopy Sign - Any sign that is a part of or attached to an awning, canopy, or marquee.

Carport - A structure or part thereof which is not wholly enclosed and is used for the parking or storage of vehicles. (CREATED 11/23/99--ORDINANCE NO. E-426)

Cartway - The actual road surface area from curbface to curbface, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surfaced, width. (CREATED 2/11/97--ORDINANCE NO. E-354)

Channel - A natural or man-made watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

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 Living Arrangement - The following facilities licensed or operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02 (7)(m) and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Concept Plan - A preliminary presentation and attendant documentation of a proposed site plan of sufficient accuracy to be used for the purpose of discussion and classification. (CREATED 11/23/93--ORDINANCE NO. E-252)

Conditional Uses - Uses of a special nature as to make impractical their predetermination as a principal use in a specific district.

Conventional Television or Radio Antenna - Any antenna other than a Satellite Television Antenna that is located outside of a principal or accessory building. (CREATED 10/14/85--ORDINANCE NO. E-28)

Cul-de-Sac - A local street with only one outlet and having the other end closed for the reversal of traffic movement. (CREATED 2/11/97--ORDINANCE NO. E-354)

Curb - A vertical or sloping edge of a roadway. (CREATED 2/11/97-- ORDINANCE NO. E-354)

Density, Net - Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre". Net areas, used in computing "net density" are the actual sites devoted to the residential use and consists of the ground floor area of the building plans, the required yards, and open space.

Density, Gross - Density is the area required for a residence divided into an acre (43,500 square feet). The result is expressed as "dwelling units per acre". Gross areas, used in computing "gross density" are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses, including streets, public lands or unusable lands, school sites, and commercial sites in a given neighborhood, section, quarter-section, or other area delineation.

Design Standards - Specific improvements and requirements pertaining to development within the City of Hartford. Where specific standards are not provided in the Hartford Municipal Code, the Standardized Development Specifications Manual, latest edition, shall prevail. (CREATED 10/28/97-- ORDINANCE NO. E-386)

Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses; mining, dredging, filling, grading, paving, excavation or drilling operations; or the deposition or extraction of materials.

Development Area - The total gross acreage of a parcel or site subject to improvement, change in land use, or construction, including adjacent rights-of-way measured to the centerline. (CREATED 10/28/97--ORDINANCE NO. E-386)

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.

District, Basic - A part or parts of the City for which the regulations of this ordinance governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).

District, Overlay - Overlay district provided for the possibility of super-imposing certain additional requirements upon a basic zoning district without abrogating the requirements of the basic district. In the instance of conflicting requirements, the most restrictive requirements shall apply.

Divided Street - A street having an island or other barrier separating moving lanes. (CREATED 2/11/97--ORDINANCE NO. E-354)

Dormer - A window set vertically in a gable projecting from a sloping roof. (CREATED 12/10/02—ORDINANCE NO. E-512)

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. (CREATED 6/25/96--ORDINANCE NO. E-331)

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. (CREATED 2/11/97--ORDINANCE NO. E-354)

Driveway, Residential - (REPEALED 2/11/97--ORDINANCE NO. E-354)

Dry Land Access - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles. (CREATED 4/10/89--ORDINANCE NO. E-130)

Dwelling Unit - An individual building or section of a building or other residential structure devoted to the shelter of one (1) family.

Dwelling, Single-Family - A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family - A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family - Residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

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

Electric Street Signs or Graphics - Any street signs or graphic containing electrical wiring, material, or devices.

Encroachment - Any fill, structure, building, use, or development in the floodway. (CREATED 4/10/89--ORDINANCE NO. E-130)

Environmental Control Facility - Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities. (CREATED 4/10/89--ORDINANCE NO. E-130)

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.

Facade – 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. (CREATED 12/10/02--ORDINANCE NO. E-512)

Family - One (1) or more persons related by blood or marriage occupying the premises and living together as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

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. (CREATED 8/11/92--ORDINANCE NO. E-214)

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. (CREATED 4/22/03—ORDINANCE NO. E-525)

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. (CREATED 4/22/03—ORDINANCE NO. E-525)

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 - A temporary rise in stream flow or stage that results in water over-topping its banks and inundating areas adjacent to the channel. It should be noted that flooding can occur in areas not adjacent to streams or lakes due to overland movement of large quantities of storm water at the time of heavy or intense rainfall in a short period of time.

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

Flood Insurance Study - An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mud slide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of the Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

Flood Profile - A graph showing the relationship of the flood water surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

Flood Protection Elevation - A point two feet above the water surface elevation of a 100-year recurrence interval flood. This safety factor, also called "freeboard" is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstruction of bridge openings.

Flood Storage - Those floodplain areas where storage of flood waters has been taken into account in reducing the regional flood discharge.

Floodlands - For the purpose of this ordinance, the "floodlands" are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway overlay district, the floodplain conservancy overlay district, and the urban floodplain regulatory overlay district. (AMENDED 4/10/89--ORDINANCE NO. E-130)

Floodplain Fringe - Those floodlands, excepting the floodway, subject to inundation by the 100-year recurrence interval flood. For the purposes of this ordinance, the floodplain fringe includes the floodplain conservancy overlay district and the urban floodplain regulatory overlay district. (AMENDED 4/10/89-- ORDINANCE NO. E-130)

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

Floodproofing - Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulk-heads, shutters, and doors; treatment of exposed timbers; elevation of flood vulnerable utilities; use of waterproof cement; adequate fuse protection; anchoring of buoyant tanks; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation, or removal of all electric equipment; avoidance of the use of flood vulnerable areas; temporary

removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two (2) feet above the elevation of the 100-year recurrence interval flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

Flood Stage - The elevation of the flood water surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.

Floodway - A designated portion of the 100-year flood that will convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway. (AMENDED 4/10/89-- ORDINANCE NO. E-130)

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

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 purposes of determining setbacks. (CREATED 11/23/99--ORDINANCE NO. E-426)

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. (CREATED 11/23/99--ORDINANCE NO. E-426)

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 standard. (CREATED 5/13/03--ORDINANCE NO. E-527)

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 Foster Home - Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five to eight foster children.

Gutter - A shallow channel usually set along a curb or the pavement edge of the road for purposes of catching and carrying runoff water. (CREATED 2/11/97--ORDINANCE NO. E-354)

Habitable Buildings - Any building, or portion thereof, used for human habitation.

Hearing Notice - Publication or posting meeting the requirements of Chapter 985, Wis. Stats. Class 1 notice is required at a minimum for appeals; published once at least one week (7 days before the hearing). Class 2 notice is required at a minimum for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last publication at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

High Water Damage Potential - Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Hip Roof – Roof without gables. (CREATED 12/10/02--ORDINANCE NO. E-512)

Historic Structure - Any structure that is:

- (a) Listed individually 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;
- (b) Certified by the Secretary of the Interior as contributing to the historical significance of a registered Historical District or a district preliminarily determined by the Secretary of the Interior to qualify as a registered Historic District;
- (c) Individually listed on a State inventory of historic places which has been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places which has been either certified by an approved program or certified by the Secretary of the Interior. (CREATED 6/25/96--ORDINANCE NO. E-331)

Home Occupations - Any occupation for gain or support conducted entirely within single and two-family buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 20 percent of the area of one (1) floor, employs not more than one (1) nonresidential person, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A home occupation shall not create noise or odor of a nature which will adversely affect the residential character of the neighborhood. A home occupation includes uses such as baby-sitting, millinery, dressmaking, home canning, laundering, music teaching to not more than two (2) pupils at one time, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance studios, real estate brokerage, or photographic studios of any other uses which will generate additional vehicular traffic to the immediate area of the residence.

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.

Incombustible Material - Any material which will not ignite at, or below, a temperature of 1200 degrees Fahrenheit during an exposure of five (5) minutes, and which will not continue to glow at that temperature.

Increase in Regional Flood Height - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from 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.

Island - In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting. (CREATED 2/11/97--ORDINANCE NO. E-354)

Item of Information - An "item of information" pertaining to street graphics means any of the following: a word; abbreviation; number; symbol; geometric shape. In addition, graphics combining several different geometric shapes are to be assessed one additional item for each non-continuous plane.

Junk or Salvage Yard - An area consisting of buildings, structures or premises where junk waste, discarded or salvage materials are bought, sold, exchanged, stored, shredded, pulverized, baled, packed, disassembled or handled, including, automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Letter of Map Amendment (LOMA) - Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

Lot - For the purpose of this ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel be bisected by a public street or other public or private right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this ordinance.

Lot Area - The size of a lot measured within the lot lines and expressed in terms of acres or square feet. (CREATED 11/23/93--ORDINANCE NO. E-252)

Lot of Record - A platted lot of a recorded subdivision or a parcel of land for which the deed, prior to the adoption of this ordinance, is on record with the Washington County Register of Deeds and which exists as described therein.

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, Double Frontage - A parcel of land, other than a corner lot, with frontage on more than one (1) street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this ordinance, shall be deemed to have two (2) front yards and no rear yard.

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

Marginal Access Street - A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and vehicle separation from through traffic. May be designed as a residential access street or subcollector street as ADT dictates. (CREATED 2/11/97--ORDINANCE NO. E-354)

Marquee - A permanent roof-like rigid structure extending over a door or entrance to a building to shelter the entryway from sun and weather elements. A marquee may not be constructed over or within public rights-of-way or be less than ten (10) feet above the grade directly under the marquee.

Median - That portion of a divided highway separating lanes of traffic proceeding in opposite directions. (CREATED 2/11/97--ORDINANCE NO. E-354)

Mobile Home or Manufactured Home - A mobile home is a transportable structure built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Mobile Home Lot - A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park - A parcel of land which has been developed pursuant to this ordinance and other codes and ordinances of the City for placement of mobile and owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park may be rented or sold to individual mobile home owners.

Modular Unit - A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, institutional, or industrial purposes.

Motel - A series of commercial attached, semi-attached or detached sleeping units for the temporary accommodation of transient guests.

Navigable Water - Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a

recreational craft of the shallowest draft on an annually recurring basis. {Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)}

For the purpose of this Ordinance, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable. (CREATED 4/10/89--ORDINANCE NO. E-130)

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

Normal Highwater Elevation (Mark) - A line of reference commonly identified as being where the land meets the normal highwater elevation. For the purposes of this ordinance, the normal highwater elevation is defined as the line where the natural vegetation changes from predominantly water-oriented to predominantly land-oriented.

Nudity - The showing of human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

Obstruction to Flow - Any development which physically blocks the conveyance of flood waters such that this development by itself or in conjunction with any future similar development will cause an increase in required flood height.

Off-Street Parking Space - A parking space provided in a parking lot, parking structure, or private driveway. (CREATED 11/23/93--ORDINANCE NO. E-252)

On-Street Parking Space - A parking space located on a dedicated street right-of-way. (CREATED 11/23/93--ORDINANCE NO. E-252)

Ordinary Highwater Mark - The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. (CREATED 4/10/89--ORDINANCE NO. E-130)

Parapet - The portion of a wall that extends above the roofline. (CREATED 12/10/02—ORDINANCE NO. E-512)

Parking Lane - A lane usually located on the sides of streets, designed to provide on-street parking for vehicles. (CREATED 2/11/97--ORDINANCE NO. E-354)

Parking Lot - A structure or premises containing five (5) or more marked parking spaces. 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. (CREATED 2/11/97--ORDINANCE NO. E-354)

Parties in Interest - Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontage.

Payday Lender – A business owned by a licensee, that makes payday loans. (CREATED 4/10/12—ORDINANCE NO. 1287)

Payday Loan –

a) A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept from the individual one or more checks, to hold the check or checks for a period of time before negotiating or presenting the check or checks for payment, and to loan to the individual for a term of 90 days or less, before negotiating or presenting the check or checks for payment, an amount that is agreed to by the individual.

b) A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept the individual's authorization to initiate one or more electronic fund transfers from the account, to wait a period of time before initiating the electronic fund transfer or transfers, and to loan to the individual, for a term of 90 days or less, before initiating the electronic fund transfer or transfers, an amount that is agreed to by the individual. (CREATED 4/10/12—ORDINANCE NO. 1287)

Pedestrian Oriented Development – Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location. (CREATED 12/10/02--ORDINANCE NO. E-512)

Pedestrian Walkway – A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle. (CREATED 12/10/02--ORDINANCE NO. E-512)

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.

Political Street Signs or Graphics - Any street graphic which states the name and/or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies.

Portable Sign - Any street graphic not designed to be permanently attached to a building or anchored to the ground; any sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard, or canvas signs wrapped around supporting poles.

Portico – A porch or walkway with a roof supported by columns, often leading to the entrance to a building. (CREATED 12/10/02—ORDINANCE NO. E-512)

Primary Floor Area - The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouse, utility, hallways and other accessory space which does not generate parking demand.

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 Industry, Labor & Human Relations including a substitute for the septic tank or soil absorption field, a 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 clergymen, 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 person 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 Graphic - 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.

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

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.

Rear Yard - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure.

Regional Flood - The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a one (1) percent

chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

Residential Access Street - The lowest order of residential street (see **Street Hierarchy**). Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed 250 ADT at any point of traffic concentration. The maximum number of housing units should front on this class of street. (CREATED 2/11/97--ORDINANCE NO. E-354)

Residential Collector Street - The highest order of residential street (see **Street Hierarchy**). Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials). Since its function is to promote free traffic flow, access to homes and parking should be limited. Collectors should be designed to prevent their use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed 3,000 ADT. (CREATED 2/11/97--ORDINANCE NO. E-354)

Residential Subcollector Street - Middle order of residential streets (see **Street Hierarchy**). Provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic should have origin or destination in the immediate neighborhood. Traffic volume should not exceed 800 ADT at any point of traffic concentration. (CREATED 2/11/97--ORDINANCE NO. E-354)

Revolving Street Sign or Graphic - Swinging and rotating street signs or graphics either motor-driven, or wind-propelled.

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. (CREATED 2/11/97--ORDINANCE NO. E-354)

Roof line - The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

Roof Street Sign or Graphic - A graphic erected on a building above the roof line.

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. (CREATED 10/14/85-- ORDINANCE NO. E-28)

Screen – See also “buffer”. The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views. (CREATED 12/10/02—ORDINANCE NO. E-512)

Sectional Home - A sectional home is a dwelling made of two (2) or more modular or prefabricated units fabricated in a factory or assembly plant and transported to the home site where they are placed on a foundation and joined to make a single house.

Setback or Street Yard - A yard extending across the full width of a 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 such yard, on each abutting street.

Shoreland - Lands within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river; or stream or to the landward side of the floodplain, whichever distance is greater. (CREATED 4/10/89--ORDINANCE NO. E-130; AMENDED 6/25/96--ORDINANCE NO. E-331)

Shoulder - The graded part of the right-of-way that lies between the edge of pavement and the curbline. (CREATED 2/11/97--ORDINANCE NO. E-354)

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

Sidewalk (area) - A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way. (CREATED 2/11/97-- ORDINANCE NO. E-354)

Sign, Animated – A sign having action, motion, movement, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply, but not including wind-activated movements such as in flags, banners, pennants; or mechanical movement signs or changeable copy signs. Animated signs exhibit the illusion of movements by means of a preprogrammed repetitions sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. (CREATED 4/22/03—ORDINANCE NO. E-524; REPEALED AND RECREATED 5/22/07—ORDINANCE NO. 1146)

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 on which a message copy is changed manually or by electronic means through the utilization of attachable letters, numbers, symbols or other similar characters or changeable pictorial panels, and does not change appearance or message more than once every six (6) seconds. (CREATED 4/22/03—ORDINANCE NO. E-524; AMENDED 5/22/07—ORDINANCE NO. 1046)

Sign, Flashing – A sign that incorporates flashing or blinking lights or a sign with moving parts or parts which simulate movement, including signs or lights reflecting or emitting a glaring light that could impair driver vision. (CREATED 5/22/07—ORDINANCE NO. 1046)

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, illuminated 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 facade 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. (CREATED 11/23/93-- ORDINANCE NO. E-252)

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 Capacity - The volume of space available above an area of floodplain fringe land for the temporary storage of flood water.

Storage Shed - An accessory structure used exclusively for the storage of equipment incidental to a principal structure or use. (CREATED 11/23/99-- ORDINANCE NO. E-426)

Street - Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway. Also see: **Cul-de-Sac; Divided Street; Marginal Access Street; Residential Access Street; Residential Collector Street; Residential Subcollector Street; Stub Street.** (AMENDED 2/11/97--ORDINANCE NO. E-354)

Street Graphic - Any letter, symbol, number, mural, or combination of these, which can be seen from the right-of-way of a street or highway. Street graphics includes signs (other than public information signs), wall graphics, ground graphics, advertising street graphics and projecting graphics.

Street Hierarchy - The conceptual arrangement of streets based upon function. A hierarchal approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality. (CREATED 2/11/97-- ORDINANCE NO. E-354)

Street Loop - A street that has as its only ingress and egress at two points on the same subcollector or collector street. (CREATED 2/11/97-- ORDINANCE NO. E-354)

Streetscape – All elements of a development or area that are in view from other points along a street. (CREATED 12/10/02--ORDINANCE NO. E-512)

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

Structural Alterations - Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Stub Street - A portion of a street for which an extension has been proposed and approved; may be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan. (CREATED 2/11/97--ORDINANCE NO. E-354)

Substantial Improvement - Any 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 improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either; (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historical Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Sustained Yield Forestry - Management of forested lands to provide annual or periodic crops of forest products.

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 Graphics - 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. (CREATED 7/23/90--ORDINANCE NO. E-158)

Tri-Level Dwelling - A three-level dwelling with two (2) levels above grade and the third level half above grade and half below grade; the lowest level may not have exterior access.

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. (CREATED 2/11/97--ORDINANCE NO. E-354)

Unnecessary Hardship - That circumstance where special conditions affecting a particular property, which are not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Usable Satellite Signal - A signal, which when viewed on a conventional television set, is at least equal in picture quality to a signal received by way of a conventional antenna or cable hookup. (CREATED 10/14/85--ORDINANCE NO. E-28)

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 property otherwise prohibited by the Ordinance or allow construction not protected to the flood protection elevation. (CREATED 4/10/89--ORDINANCE NO. E-130)

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.

Wetland - An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (CREATED 4/10/89--ORDINANCE NO. E-130)

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.

(SECTION 13.1602 AMENDED 2/28/95--ORDINANCE NO. E-284; PORTIONS REPEALED 4/22/03—ORDINANCE NO. E-524))