

TITLE 13

Zoning

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CHAPTER 1

Zoning Code

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ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sections 61.35 and 62.23(7), Wis. Stats.

SEC. 13-1-2 TITLE.

This Chapter shall be known as, referred to and cited as the "Zoning Code, City of Green Lake, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

SEC. 13-1-3 GENERAL PURPOSE.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Green Lake, Wisconsin.

SEC. 13-1-4 INTENT AND PURPOSES IN VIEW.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people.
- (b) Divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the City and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage.
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City;
- (i) Preserve and protect the beauty of the City of Green Lake;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other

- pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the City of Green Lake;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

SEC. 13-1-5 ABROGATION AND GREATER RESTRICTIONS.

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

SEC. 13-1-6 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter 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 Green Lake.

SEC. 13-1-7 SEVERABILITY AND NON-LIABILITY.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter 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.
- (c) The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City of Green Lake, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

SEC. 13-1-8 REPEAL AND EFFECTIVE DATE.

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the

inconsistency or conflict only, are hereby repealed.

SEC. 13-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Green Lake.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or

structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.

- (d) **One Main Building per Lot.** Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (e) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- (f) **Legal Remedies.** No provision of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate state laws.
- (g) **Utilities Construction.** No provision of this Chapter shall be construed to prohibit the necessary and customary construction, reconstruction or maintenance of aboveground or underground public utility neighborhood service lines, structures, and mechanical appurtenances thereto where reasonably necessary for the public convenience and welfare.

SEC. 13-1-11 USE REGULATIONS.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.** The following provisions shall be applicable to conditional uses generally:
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code requires no action by the Plan Commission for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Plan Commission in accordance with Article E of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission in

accordance with Article E of this Chapter.

(5) Conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.

(d) **Uses Not Specified in Code.**

(1) Uses not specified in this Chapter which are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.

(2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Plan Commission after public hearing and approval in accordance with Article E of this Chapter.

SEC. 13-1-12 SITE REGULATIONS.

(a) **Street Frontage.** To be buildable, a lot shall comply with the frontage requirements of the zoning district in which it is located, but shall, in any case, have a minimum frontage of seventy (70) feet for a new lot and fifty-five (55) feet for a nonconforming (substandard lot).

(b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot, except in R-3 Multi-Family Districts, Light Industrial Districts, or Highway Business Districts when the lot is large enough under the district area requirements to permit more than one (1) principal structure per lot. The Plan Commission may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

(c) **Dedicated Street.** Zoning permits shall only be issued for a lot which abuts a public street dedicated to its proposed width.

(d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.

(e) **Site Suitability.** No land shall be used or structure

erected where the land is held unsuitable for such use or structure by the Common Council, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Common Council.

- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

SEC. 13-1-13 HEIGHT AND AREA MODIFICATIONS.

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modifications shall be in accord with the following:
 - (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
 - (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers,

- fire towers, substations, and smoke stacks are exempt from the height limitations of this Chapter.
- (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
 - (4) Agricultural structures, such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
 - (5) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of forty-five (45) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
- (1) Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
 - (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
- (c) **Additions.** Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- (d) **Average Street Yards.** The required street yards may be decreased in any Residential District to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any Residential District.
- (e) **Noise.** Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are permitted.

SEC. 13-1-14 REDUCTION OR JOINT USE.

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

SEC. 13-1-15 SCREENS AND BUFFERS.

- (a) **Required Screens and Buffers.** Where screens or buffers are required by this Chapter or the Common Council to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.
- (b) **Buffer Yards.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Plan Commission or Zoning Administrator. The minimum width shall

be ten (10) feet.

- (c) **Screens.** Screens are barriers located in a limited space [ten (10) feet or less] intended to perform a buffering effect, particularly for noise reduction or visual screening.

Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.

SEC. 13-1-16 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC. 13-1-20 DISTRICTS ESTABLISHED.

For the purpose and provision of this Chapter, the City of Green Lake, Wisconsin, is hereby organized into the following districts:

- (a) R Single-Family Residential Lakeshore District.
- (b) R-1 Single-Family Residential District.
- (c) R-2 Two-Family Residential District.
- (d) R-3 Multi-Family Residential District.
- (e) C Commercial District.
- (f) LI Light Industrial District.
- (g) HB Highway Business District.
- (h) CS Conservancy District.
- (i) A Agricultural District.
- (j) F-1 Floodway District.
- (k) F-2 Floodplain District.
- (l) P-1 Public and Semipublic District.
- (m) RB Recreational Business District.

SEC. 13-1-21 ZONING MAPS.

- (a) The boundaries of the aforesaid zoning districts are hereby established as shown on the maps entitled "Zoning Map of Green Lake, Wisconsin." These official maps and all explanatory matter thereon and attached thereto are adopted by reference and declared to be part of this Chapter.
- (b) The "Zoning Map of Green Lake, Wisconsin" and all official explanatory matter attached thereto bears the signature of the City Clerk-Treasurer of Green Lake, Wisconsin, and shall be on file in the office of the Zoning Administrator.

SEC. 13-1-22 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules

shall apply:

- (a) District boundary lines are either the centerlines of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.
- (b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- (c) Where a lot held in one (1) ownership and of record on the effective date of this Chapter is divided by a district boundary line, the entire lot shall be construed to be within the less-restricted district, provided that this construction shall not apply if it increases the less-restricted frontage of the lot by more than twenty-five (25) feet.

SEC. 13-1-23 ZONING OF STREETS, ALLEYS, PUBLICWAYS, WATERWAYS, AND RIGHTS-OF-WAY.

All streets, alleys, publicways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, publicways, or waterways and railroad rights-of-way. Where the center serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SEC. 13-1-24 SINGLE-FAMILY RESIDENTIAL LAKESHORE DISTRICT (R).

(a) **Principal Use.** Single-family dwellings, except mobile homes. No building may cover more than twenty-five percent (25%) of the lot area, and no more than fifty percent (50%) of the lot area may be covered by an impermeable surface. This District is intended to provide a quiet, pleasant and spacious area along Green Lake, protected from traffic hazards and the intrusion of incompatible land uses.

(b) **Conditional Uses.** (See also Article E).

- (1) Churches, public recreational and community center buildings and grounds, including playgrounds and parks for public use.
- (2) Existing motels, cabins, etc., are permitted and are not considered nonconforming uses. Said motels and cabins may maintain signs designating their name and location as approved by the City Plan Commission, but not to exceed four (4) feet in area.
- (3) Detached garage and accessory building.
- (4) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise

- that would create a public nuisance.
- (5) Riparian property owners shall not provide docking or mooring facilities for more than one (1) boat not owned by the property owner or tenant of the property.
- (c) **Lot Size.**
- (1) Width. Minimum one hundred (100) feet.
- (2) Area. Minimum twenty thousand (20,000) square feet.
- (d) **Principal Building.**
- (1) Minimum Living Area. Two thousand five hundred (2,500) square feet; or a minimum surface area of one thousand two hundred (1,200) square feet.
- (2) Height. Maximum thirty-five (35) feet.
- (e) **Principal Building Yard Setbacks.**
- (1) Street. Minimum twenty-five (25) feet.
- (2) Side. Minimum fifteen (15) feet.
- (f) **Shore Yard Setback.** All principal buildings shall be not less than seventy-five (75) feet measured horizontally, from an ordinary highwater mark. (See Exhibits No. 1, & 2).
- (1) Increased Shore Yard Setback:
- a. Where there is a principal building on each side of the proposed site, the shore yard setback for the proposed principal building shall be the average of the shore yard setbacks of the existing principal buildings. (See Exhibits No. 3 & 4).
- b. If there is an existing principal building on only one side, the shore yard setback for the proposed principal building shall be the average of the required (75 foot) shore yard setback and the existing principal building's shore yard setback (See Exhibits 5 & 6).
- (g) **Accessory Building Yard Setbacks and Building Requirements, Except Piers and Hoists.**
- (1) Number Limits. In addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
- (2) Attached Accessory Buildings. All accessory buildings that are attached to the principal building shall comply with the setback requirements of the principal building. (See Exhibit 7).
- (3) Detached Accessory Buildings.
- (a) Building Height. Maximum fifteen (15) feet.
- (b) Street Setback. Minimum twenty-five (25) feet.
- (c) Side Setback. Minimum three (3) feet.
- If however, the detached accessory building is entirely or any part thereof in the side yard, attached or not, it is considered an integral part of the principal building and the principal building side yard requirements apply.
- (d) Shore Yard Setback. Detached accessory buildings shall comply with the shore yard setback requirements of the principal building.
- (e) Alley Line. Minimum five (5) feet.
- (f) (f) Detached accessory buildings shall not be closer than ten (10) feet to the principal building.
- (g) Detached accessory buildings shall not occupy more than thirty percent (30%) of the street or

side yard area.

SEE EXHIBITS 1 THROUGH 7 DESCRIBING & DIAGRAMMING HOW TO DETERMINE
SHORE YARD SETBACKS FOR PRINCIPAL BUILDINGS
LOCATED IN A SINGLE FAMILY LAKESHORE DISTRICT (R) .
THIS REFERS TO SECTION 13-1-24(f) (1) a & b.

SEC. 13-1-25 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) .

- (a) **Principal Use.** Single-family dwellings, except mobile homes.
[See Section 13-1-121(c)].
- (b) **Additional Uses.** Accessory uses and detached accessory structures.
- (c) **Conditional Uses.** (See also Article E).
 - (1) Churches, public schools, parochial schools, colleges and universities, including dormitories, public libraries, public museums, municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums. Public recreational and community center buildings and grounds (playgrounds and parks for public use).
 - (2) Telephone buildings, exchanges and lines and static transformer stations provided there be no service garage or storage yards. This regulation, however, shall not apply to microwave radio relay stations or structures unless or until the location thereof shall first have been approved by the City Plan Commission.
 - (3) Two (2) family dwellings, through conversion of single-family dwellings existing at the time of the adoption of this Zoning Code, provided that the lot size and all other requirements of the R-2 District are met.
 - (4) Unlighted signs and bulletin boards of up to four (4) square feet for advertising for a lease or sale of the premises and eight (8) feet square for public or

religious announcements, provided that all such signs must be located directly on the premises involved and at least fifteen (15) feet from the nearest sidewalk or street. Temporary variances allowable with approval of the City Plan Commission.

- (5) Rooms for up to two (2) paying guests or boarders.
 - (6) Bed and breakfast establishments.
 - (7) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public nuisance.
- (d) **Lot Size.**
- (1) Width. Minimum seventy (70) feet.
 - (2) Area. Minimum ten thousand (10,000) square feet.
- (e) **Building.**
- (1) Minimum Surface Area. Nine hundred (900) square feet.
 - (2) Height. Maximum thirty-five (35) feet.
- (f) **Yard Setbacks.**
- (1) Street. Minimum twenty-five (25) feet.
 - (2) Rear. Minimum twenty-five (25) feet.
 - (3) Side. Minimum nine (9) feet.

SEC. 13-1-26 TWO-FAMILY RESIDENTIAL DISTRICT (R-2).

- (a) **Principal Use.** Two (2) family dwellings.
- (b) **Additional Uses.** Any use permitted in the R and R-1 Districts.
- (c) **Conditional Uses.**
- (1) Funeral homes, public hospitals and health care clinics when approved by the City Plan Commission and the Common Council.
 - (2) Charitable institutions and nursing homes, private non-profit clubs and lodges.
 - (3) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public nuisance.
- (d) **Lot Size.**
- (1) Width. Minimum one hundred (100) feet.
 - (2) Area. Minimum fifteen thousand (15,000) square feet.
- (e) **Building.**
- (1) Living Area. One thousand five hundred (1,500) square feet.
 - (2) Minimum Surface Area. Nine hundred (900) square feet.
 - (3) Height. Maximum thirty-five (35) feet.
- (f) **Yard Setbacks.**
- (1) Street. Minimum twenty-five (25) feet.
 - (2) Rear. Minimum twenty-five (25) feet.
 - (3) Side. Minimum fifteen (15) feet.

SEC. 13-1-27 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3).

- (a) **Principal Uses.**
- (1) Duplex and multiple-family dwellings.
 - (2) Any use permitted in the R, R-1 and R-2 Districts.

- (3) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public nuisance.
- (b) **Lot Size.**
 - (1) Width. Minimum one hundred (100) feet.
 - (2) Area. Minimum fifteen thousand (15,000) square feet with no less than two thousand (2,000) square feet per efficiency; two thousand five hundred (2,500) square feet per one (1) bedroom unit; three thousand (3,000) square feet per two (2) or more bedroom units.
- (c) **Building.**
 - (1) Area.
 - a. Minimum six hundred (600) square feet per unit.
 - b. Efficiency apartments shall have a minimum of six hundred (600) square feet living area per unit, including a full bath, sleeping and kitchen facilities.
 - c. A one (1) bedroom apartment shall have a minimum of seven hundred fifty (750) square feet living area per unit, including a full bath, sleeping and kitchen facilities.

d. A two (2) bedroom apartment shall have a minimum

of nine hundred (900) square feet living area per unit, including a full bath, sleeping and kitchen facilities.

- e. A three (3) bedroom apartment shall have a minimum of one thousand fifty (1,050) square feet living area per unit, including a full bath, sleeping and kitchen facilities.

- (2) Height. Maximum forty-five (45) feet.

- (d) **Yard Setbacks.**

- (1) Street. Minimum twenty-five (25) feet.

- (2) Rear. Minimum twenty-five (25) feet.

- (3) Side. Minimum fifteen (15) feet.

SEC. 13-1-28 COMMERCIAL DISTRICT (C).

- (a) **Principal Uses.** The following uses provided that they shall be retail establishments: bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fruit stores, gift stores, grocery stores, hardware stores, house occupations, hobby shops, lodges, meat markets, optical stores, professional offices, restaurants, self-service and pick-up laundry and dry-cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, vegetable stores, appliance stores, caterers, churches, clothing shops, crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating supply, laundry and dry-cleaning establishments, liquor stores, music stores, newspaper offices and pressrooms, nightclubs, taverns, office supplies, pawn shops, personal service establishments, pet shops, theaters, photographic supplies, plumbing supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, secondhand stores, signs, television broadcasting studios, trade and contractor's offices, upholsterer's shops, variety stores, gas stations, bus depots, motels, detention facility (jail) owned by a municipal or county entity and vacation rentals. Existing residences shall comply with all of the provisions of the R-3 Residential District, including the miscellaneous provisions setting forth square foot requirements of apartments within such district.

- (b) **Conditional Uses.** Any residential use (see Article E).

- (c) **Building.**

- (1) Height. Maximum forty-five (45) feet.

- (d) **Yard Setbacks.**

- (1) Street. No minimum.

- (2) Rear. Minimum thirty (30) feet.

SEC. 13-1-29 LIGHT INDUSTRIAL DISTRICT (LI).

- (a) **Principal Uses.** Automotive body repairs; automotive upholstery; cleaning, pressing and dyeing establishments; commercial bakeries; commercial greenhouses; distributors; farm machinery; food locker plants; laboratories; machine shops; manufacture and bottling of non alcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; office complexes; warehousing and wholesaling; manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, and food (except cabbage, fish and fish products, meat and meat products, and pea vining); instruments; jewelry; pharmaceuticals; tobacco; and toiletries. Existing residences shall comply with all the provisions of the R-3 Residential District.
- (b) **Conditional Uses.** (See Article E).
- (c) **Building.**
 - (1) Height. Maximum forty-five (45) feet.
- (d) **Yard Setback.**
 - (1) Street. Minimum twenty-five (25) feet.
 - (2) Rear. Minimum forty (40) feet.
 - (3) Side. Minimum twenty (20) feet.
- (e) **Lot Size.** Two (2) acre minimum.

SEC. 13-1-30 HIGHWAY BUSINESS DISTRICT (HB).

- (a) **Principal Use.** None.
- (b) **Conditional Uses.**
 - (1) Restaurants, gift stores, motels, night clubs, bowling alleys, indoor tennis courts, golf driving ranges, miniature golf courses and other similar places of entertainment; automobile dealerships and establishments.
 - (2) For additional conditional uses, see Article E.
- (c) **Lot Size.**
 - (1) Frontage. Minimum four hundred (400) feet.
 - (2) Area. Minimum two (2) acres.
- (d) **Building.**
 - (1) Height. Maximum thirty-five (35) feet.
- (e) **Yard Setbacks.**
 - (1) Street. Minimum one hundred (100) feet.
 - (2) Rear. Minimum twenty (20) feet.
 - (3) Side. Minimum twenty (20) feet.

SEC. 13-1-31 CONSERVANCY DISTRICT (CS).

- (a) **Principal Uses.** Fishing, hunting, preservation of scenic, historic and scientific areas; soil and water conservation; sustained-yield forestry; stream bank and lakeshore protection; water retention, wildlife preserves and parks.
- (b) **Conditional Uses.** Drainage, water measurement and water control facilities; public fish hatcheries, grazing; accessory structures, such as hunting or fishing lodges; orchards; truck farming; utilities and wild crop harvesting. The above uses shall not involve the dumping, filling, cultivation, mineral, soil or peat removal or any other use

that would disturb the natural fauna, flora, watercourses, water regimen or topography. (See Article E).

- (c) **Structures.** None permitted, except accessory to the principal or conditional uses.

SEC. 13-1-32 AGRICULTURAL DISTRICT (A).

- (a) **Principal Uses.** Apiculture, floriculture, forestry, farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, stables, truck farming and viticulture. Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R-2 Residential District.
- (b) **Conditional Uses.** (See Article E).
- (c) **Farm Area.**
 - (1) Frontage. Minimum two hundred (200) feet.
 - (2) Area. Minimum ten (10) acres.
- (d) **Structure.**
 - (1) Height. Maximum forty-five (45) feet.
- (e) **Yard Setbacks.**
 - (1) Street. Minimum eighty (80) feet.
 - (2) Rear. Minimum fifty (50) feet.
 - (3) Side. Minimum fifty (50) feet.

SEC. 13-1-33 FLOODWAY DISTRICT (F-1).

- (a) **Principal Uses.** Drainage, movement of flood water, navigation, stream bank protection, water measurement and water control facilities.
- (b) **Conditional Uses.** Horticulture; open parking and loading areas; open markets; open recreational uses such as parks, sports fields, beaches, bathing, hunting, fishing, camping, playgrounds, skating rinks, golf courses and driving ranges; outdoor plant nurseries; parks; sod farming, transient amusement uses such as circuses and carnivals; truck farming; utilities; viticulture; wild crop harvesting and wildlife preserves. The above uses shall not involve the dumping, filling or any other use that would obstruct the floodway, retard drainage or retard the movement of flood waters. (See Article E).

- (c) **Structures.** None permitted, except navigation and water measurement and water control facilities.

SEC. 13-1-34 FLOODPLAIN DISTRICT (F-2).

- (a) **Principal Uses.** Flood overflows, impoundments, parks, sustained yield forestry, fish hatcheries, wildlife preserves, water measurement and water control facilities.
- (b) **Conditional Uses.** All uses permitted in the Agricultural District, except residential uses; all uses permitted in the Public and Semi-public District, except the caging of animals; warehousing, storage, parking and loading areas. The above uses shall not include the storage of materials that are buoyant, flammable, explosive or injurious to human, animal or plant life nor substantially reduce the floodwater storage capacity of the floodplain. (See Article E).
- (c) **Buildings.** All buildings shall have their first floors constructed at an elevation no less than two (2) feet above the level of the one hundred (100) year recurrence interval flood or the greatest flood of record.

SEC. 13-1-35 PUBLIC AND SEMIPUBLIC DISTRICT (P-1).

- (a) **Principal Uses.** Parks, arboretums, playgrounds, fishing, wading, swimming, beaches, skating, sledding, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and water control facilities.
- (b) **Conditional Uses.** All structures (See Article E).

SEC. 13-1-36 RECREATIONAL BUSINESS DISTRICT (RB).

- (a) **Principal Uses.** None
- (b) **Conditional Uses.** (See Article E).
 - (1) Beaches and bathing facilities, marinas, golf courses, tennis courts (indoor and outdoor), driving ranges, music halls, swimming pools, horseback riding stables and facilities, skating rinks, cross-country ski facilities, sport fields, restaurants, bowling alleys, motels, and boat livery.
 - (2) R, R-1, R-2 and R-3 Principal (Residential) Uses. Conditional Uses in R, R-1 and R-2 are not allowed, except for detached garage and accessory building in the R District.

- (c) Specific Standards. Any use permitted in a recreational business district shall meet the following minimum standards:
- (1) Lot. Except for the nonconforming parcels existing at the time of adoption of this Zoning Code, all uses shall have a minimum frontage of 100 hundred (100) feet on the public street they abut. If a use abuts on more than one (1) street, then the total frontage shall be two hundred (200) feet. The minimum area for the site of each recreational business shall be twenty thousand (20,000) square feet.
 - (2) Buildings. The maximum height of any principal building shall be thirty-five (35) feet.
 - (3) Setbacks.
 - (a) Street Yard. All principal buildings a minimum of thirty (30) feet.
 - (b) Side Yard. All principal buildings a minimum of ten (10) feet. If, however, abutting a district boundary line of an R or R-1 District, no principal building shall be placed closer than twenty (20) feet to the abutting R or R-1 District boundary line.
 - (c) Rear Yard. All principal buildings, a minimum of twenty-five (25) feet. If, however, abutting a district boundary line of an R or R-1 District, no principal building shall be placed closer than thirty (30) feet to the abutting R or R-1 District boundary line.
 - (4) Shore-Yard Setbacks.
 - (a) All principal buildings shall be not less than seventy-five (75) feet measured horizontally, from an ordinary high-water mark.
(See Illustration No. 1, 2 & 3).
 - (b) Increased Shore Yard Setback:
 - (1) Where there is a principal building on each side of the proposed site, the shore yard setback for the proposed principal building shall be the average of the shore yard setbacks of the existing principal buildings.
(See Illustration No. 4 & 5).
 - (2) If there is an existing principal building on only one side, the shore yard setback for the proposed principal building shall be the average of the required seventy-five (75) foot yard setback and the existing principal buildings shore yard setback.
(See Illustration No. 6 & 7).

SEE ILLUSTRATIONS 1 THROUGH 7 DESCRIBING AND DIAGRAMMING HOW TO
DETERMINE SHORE YARD SETBACKS FOR PRINCIPAL BUILDINGS IN A SINGLE
FAMILY RESIDENTIAL LAKESHORE DISTRICT (R) . THIS REFERS TO SECTION
13-1-36(4) (a) & (b) .

- (5) Accessory Building Yard Setbacks and Building Requirements, Except Piers and Hoists.
- (a) Number Limits. In addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
 - (b) Attached Accessory Buildings. All accessory buildings that are attached to the principal building shall comply with the setback requirements of the principal building.
 - (c) Detached Accessory Buildings.
 - (1) Building Height. Maximum fifteen (15) feet.
 - (2) Street Yard Setback. Minimum thirty (30) feet.
 - (3) Side Yard Setback. Minimum five (5) feet.
 - (4) Rear Yard Setback. Minimum five (5) feet.
 - (5) Shore Yard Setback. Detached accessory buildings shall comply with the shore yard setback requirements of the principal building.
 - (6) Alley Line. Minimum five (5) feet.
 - (7) Detached accessory buildings shall not be closer than ten (10) feet to the principal buildings.
 - (8) Detached accessory buildings shall not occupy more than thirty percent (30%) of the street or side yard area.
- (6) Off-Street Parking Spaces Yard Setback Requirements.
- (a) Street Yard Setback. Minimum twenty-five (25) feet. If, however, abutting a district boundary line of an R or R-1 District, no off-street parking spaces shall be placed closer than thirty (30) feet to the abutting R or R-1 District boundary line.
 - (b) Side Yard Setback. Minimum ten (10) feet.
 - (c) Rear Yard Setback. Minimum ten (10) feet.
 - (d) Shore Yard. Off-street parking spaces are not permitted in the shore yard.
 - (e) Such off-street parking spaces shall also comply with the requirements of Section 13-1-92.
- (7) Buffer-Strip Requirements. A landscaped land sculptured buffer strip at least ten (10) feet wide shall be provided along all peripheral lot lines adjoining the boundaries of any residential development in a recreational business district. Spacing between principal buildings in the development shall be consistent with recognized site planning principles, due consideration being given to the openness normally afforded by intervening streets and alleys.

- (8) Boat Livery or Marina. A boat livery or marina may be permitted as a conditional use in the RB District only, subject to the following standards:
- (a) All installations shall be designed and constructed so normal ingress and egress of boats do not interfere with adjacent riparian owners use of the water for boating, fishing, swimming, nor with the public's right to navigation.
 - (b) Boats shall not be permanently connected to sewerage pump out facilities, water lines or electricity. Boats may be connected to sewerage pump out facilities, water lines or electricity temporarily. "Temporarily" to mean one (1) hour in every twenty-four (24) hours. Adequate sanitary facilities shall be made available to the users of the facilities, and shall be constructed so as to meet public health standards as promulgated by the State and County.
 - c. No boats may be occupied overnight.
 - d. Off-street parking spaces for customers shall be provided at the rate of one (1) space per boat moored, docked, and/or rented.
 - e. All lighting installations on docks or shore shall be designed and shielded to eliminate any hazard to boating or undesirable glare, illumination, or nuisance to adjoining property owners.
 - f. All existing boat liveries and marinas are grandfathered and may be continued, although they may not conform with the provisions of this Ordinance, and are existing non conforming uses. However, any existing boat liveries and marinas may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered unless such change meets the requirements of this Ordinance.

SEC. 13-1-37 THROUGH SEC. 13-1-49 RESERVED FOR FUTURE USE.

ARTICLE D

Planned Unit Development (PUD) Conditional Use

SEC. 13-1-50 PLANNED UNIT DEVELOPMENT CONDITIONAL USE - INTENT.

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and

efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.

- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the City upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

SEC. 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.

This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

SEC. 13-1-52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

SEC. 13-1-53 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

- (a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain the minimum of development area prescribed in Section 13-1-73(a).
- (b) **Density Requirements (Lot Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Single Parcel, Lot or Tract.** The planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

SEC. 13-1-54 REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the development.
- (d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development, and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the City.
- (e) Public water and sewer facilities shall be provided.

SEC. 13-1-55 SUBSEQUENT LAND DIVISION.

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the City when such division is contemplated.

SEC. 13-1-56 PROCEDURAL REQUIREMENTS - INTENT.

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

SEC. 13-1-57 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Common Council or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the City Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee of Five Hundred Dollars (\$500.00), as well as incorporate the following information:
 - (1) Informational Statement. A statement which sets forth the relationship of the proposed PUD to the City's

adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:

- a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
- c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
- d. Any proposed departures from the standards of development as set forth in the City zoning regulations, land subdivision ordinance, other City regulations or administrative rules, or other universal guidelines.
- e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(2) A General Development Plan Including:

- a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- b. The location of public and private roads, driveways, sidewalks and parking facilities.
- c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
- d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
- e. The type, size and location of all structures.
- f. General landscape treatment.
- g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
- h. The existing and proposed location of all private utilities or other easements.
- i. Existing topography on the site with contours at no greater than two (2) foot intervals.
- j. Anticipated uses of adjoining lands in regards to roads, surface water drainage and compatibility with existing adjacent land uses.
- k. If the development is to be staged, a staging plan.
- l. A plan showing how the entire development can be further subdivided in the future.

- (3) For any petition for a Plan Unit Development, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the petition. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to, engineers, landscape architects, architects, attorneys, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such proposal. Any petitioner shall reimburse the City for staff time expended in the administration, investigation and processing of said proposal and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter if the fee as set forth in Section 13-1-57(b) does not cover this cost. The fee shall be paid by the Petitioner prior to final action to be taken by the City on the petition. Further, if the Petitioner withdraws the petition, and costs or fees are owed the City which are not covered by the review fee, or for whatever reason the Petitioner owes the City fees or costs for said review, the Petitioner shall be responsible to pay the City for said fees or costs. If the Petitioner does not pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or Petitioner informing them of the City policy on reimbursement costs.
- (c) **Public Hearing.** The Common Council shall hold public hearing on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

SEC. 13-1-58 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.

- (a) **Requirements.** The Common Council, in making a determination approving a petition for planned unit development, shall find as follows:
- (1) That the general requirements made and provided in Section 13-1-52 will be met;
 - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
 - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.
- (b) **Proposed Construction Schedule.** The Common Council, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD, Considerations.** The Common Council, in

making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:

- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
- (2) The total net residential density within the planned unit development will be compatible with the City master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
- (3) Structure types will be generally compatible with other structural types permitted in the underlying basis use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the R-1 or R-2 Districts shall not exceed four (4) dwelling units per structure.
 - b. Planned residential developments in the R-3 District shall not exceed sixteen (16) dwelling units per structure.
- (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
- (5) Provision has been made for adequate, continuing fire and police protection.
- (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

(d) **Commercial PUD, Considerations.** The Common Council, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:

- (1) The economic practicality of the proposed development can be justified.
- (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
- (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
- (4) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding

streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.

- (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(e) **Industrial PUD, Considerations.** The Common Council, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:

- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
- (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
- (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
- (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(f) **Mixed Use PUD, Considerations.** The Common Council, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:

- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
- (2) The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

SEC. 13-1-59 DETERMINATION OF DISPOSITION OF THE PETITION.

- (a) **General.** The Common Council, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Common Council may impose.

- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Common Council.
- (1) General Approval. The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Common Council as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
- (2) Detailed Approval. Detail plans must be furnished to the Common Council for its consideration and the detailed approval by the Common Council of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Common Council.
- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval to the Common Council and if, in the opinion of the Common Council, such change or addition constitutes a substantial alteration of the original plan, it shall schedule an additional public hearing in which event the Common Council shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Common Council shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

ARTICLE E

Conditional Uses

SEC. 13-1-60 STATEMENT OF PURPOSE - CONDITIONAL USES.

The development and execution of this Article is based upon the division of the City into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

SEC. 13-1-61 AUTHORITY OF THE PLAN COMMISSION; REQUIREMENTS.

- (a) The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for either regular or restricted conditional use after review and public hearing, provided that such conditional use and involved structure(s)

are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a restricted conditional use, the Plan Commission in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Plan Commission resolution, and the resulting conditional use permit, when, for restricted conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

SEC. 13-1-62 INITIATION OF CONDITIONAL USE.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses in the zoning district in which such land is located.

SEC. 13-1-63 APPLICATION FOR CONDITIONAL USE.

- (a) **Required Application Materials.** An application for a conditional use shall be filed in duplicate on a form prescribed by the City. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator.
Such applications shall include where applicable:
 - (1) A statement in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within one hundred (100)

feet.

- (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
- (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
- (5) Additional information as may be required by the Plan Commission or other boards, commissions or officers of the City. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high water mark and ground water conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

- (b) **Plans.** In order 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 building permit, the following information:

- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
- (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements 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.

- (c) **Fee.** The application fee for Conditional Use Permit shall be \$500.00. For any Conditional Use Permit, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the application. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to, engineers, landscape architects, architects, attorneys, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such proposal. Any Applicant shall reimburse the City for

staff time expended in the administration, investigation and processing of said proposal and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter. If the fee as set forth above does not cover this cost, the fee shall be paid by the Applicant prior to final action to be taken by the City on the application. Further, if the Applicant withdraws the application, and costs or fees are owed the City which are not covered by the review fee, or for whatever reason the Applicant owes the City fees or costs for said review, the Applicant shall be responsible to pay the City for said fees or costs. If the Applicant does not pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or Applicant, informing them of the City policy on reimbursement costs.

SEC. 13-1-64 HEARING ON APPLICATION.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Common Council, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

SEC. 13-1-65 NOTICE OF HEARING ON APPLICATION.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

SEC. 13-1-66 STANDARDS -- CONDITIONAL USES.

No application for a conditional use shall be granted by the Plan Commission or granted by the Board of Appeals on appeal unless the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (e) That the proposed use does not violate flood plain regulations governing the site.
- (f) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

SEC. 13-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

When a decision of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so

requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

SEC. 13-1-68 APPEALS.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Board of Appeals, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. The request shall be filed with the Zoning Administrator who shall submit it to the Board of Appeals at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Board of Appeals shall set a date for a public hearing thereon. Notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official newspaper at least ten (10) days before the date of the hearing. The Board of Appeals may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit.

SEC. 13-1-69 CONDITIONS AND GUARANTEES.

The following provisions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission, or the Board of Appeals on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;

- (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tiles, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

SEC. 13-1-70 VALIDITY OF CONDITIONAL USE PERMIT.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a

period of ninety (90) days for justifiable cause, if application is made to the City at least thirty (30) days before the expiration of said permit.

SEC. 13-1-71 COMPLAINTS REGARDING CONDITIONAL USES.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any

other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice, as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-1-7. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Plan Commission may

revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Board of Appeals.

SEC. 13-1-72 BED AND BREAKFAST ESTABLISHMENTS.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts, except the "R" District, pursuant to the requirements of this Article.
- (b) **Definitions.**
 - (1) "Bed and Breakfast Establishment" means any place of lodging that provides eight (8) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. Occupancy of each room shall be limited to not more than two (2) adults.
 - (2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.
- (c) **Regulations.**
 - (1) Compliance with State Standards. All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wisconsin Administrative Code HSS 195 relating to hotels, motels and tourist rooming houses.
 - (2) Registry. Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by the Building Inspector for a period of not less than one (1) year.
- (d) **Permit Required.**
 - (1) City Permit Required. In addition to the permit required by Chapters HSS 195 or HSS 197, Wisconsin Administrative Code, before opening for business every bed and breakfast establishment shall obtain a permit from the Zoning Administrator by application made upon a form furnished by said officer and shall obtain a conditional use permit.
 - (2) Application Requirements. The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this Article:
 - a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
 - (3) Display of Permit. The permit issued by the Zoning

Administrator shall be conspicuously displayed in the bed and breakfast establishment.

- (e) **Off-Street Parking Required.** Permits shall be issued only to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.
- (f) **On-site Signs.** Total signage shall be limited to a total of eight (8) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Special Gatherings.** Renting of the bed and breakfast facilities for a special gathering (i.e. wedding receptions or parties with catered food) shall be permitted.
- (h) **Restricted Areas.** No permit shall be issued for a "Bed and Breakfast Establishment" in areas zoned R (Single-Family Residential Lakeshore District) or C (Commercial District).
- (i) **Termination of Permit.** A bed and breakfast use permit shall be void upon the sale or transfer of the property ownership.

The Plan Commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter HSS 195 or Chapter HSS 197, Wis. Adm. Code, or as above provided.

SEC. 13-1-73 CONDITIONAL RESIDENTIAL USES.

All residential uses labeled "Conditional Uses" in Article C shall comply with the permit, application, review, and approval and all other pertinent Sections of this Subsection.

SEC. 13-1-74 HIGHWAY-ORIENTED USES.

All highway-oriented uses are conditional uses. The additional following commercial uses shall be conditional uses and may be permitted in the Highway Business District:

- (a) Drive-in theaters, provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1,000) feet of an arterial street.

- (b) Drive-in establishments serving food or beverages for consumption outside the structure in the Highway Business District.
 - (c) Motels.
 - (d) Funeral homes, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
 - (e) Drive-in banks.
 - (f) Vehicle sales, service. Washing and repair stations, garages, public parking lots, provided that all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line.
- The foregoing uses shall also be conditional uses in the Commercial District.

SEC. 13-1-75 INDUSTRIAL AND AGRICULTURAL USES.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

- (a) Animal hospitals in the Agricultural District, provided the lot area is not less than three (3) feet from any residential district.

- (b) Manufacture and processing of any substance or product not set forth as a principal use in the Light Industrial District may be permitted by the Plan Commission if approved

by the Common Council after a public hearing as a conditional use but may also be absolutely prohibited if, in the view of the Plan Commission, such manufacture or processing, substance or product may constitute a hazard to the health, welfare, and well being of the people in the City of Green Lake, whether or not such persons reside adjacent to the proposed manufacture or processing establishment.

- (c) Commercial service facilities, such as restaurants and fueling stations in the Light Industrial District, provided all such services are physically and sales-wise oriented toward industrial district users and employees, and other users are only incidental customers.

SEC. 13-1-76 RECREATIONAL USES.

All public recreational facilities in the Recreational Business District shall be conditional uses.

SEC. 13-1-77 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

ARTICLE F

Nonconforming Uses, Structures and Lots

SEC. 13-1-80 EXISTING NONCONFORMING USES AND STRUCTURES.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing on the date of adoption of the City Zoning Code may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended or enlarged except when required to do so by law or order or so as to comply with the provisions of this Chapter.

- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (d) Total structural repairs or alterations to a structure housing a non-conforming use shall not exceed fifty percent (50%) of the current fair market valuation of the structure. The total cost of repairs and improvements done over the life of the structure shall be compounded and the aggregate total shall not exceed the fifty percent (50%) figure.

SEC. 13-1-81 ABOLISHMENT OR REPLACEMENT.

(a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months for residential districts and thirty (30) months for commercial and industrial districts, any future use of the structure or land shall conform to the provisions of this Chapter.

- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its assessed or fair market value, whichever is higher, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its assessed or fair market value, a building permit, following specific Common Council approval, may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

SEC. 13-1-82 EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this

Chapter. However, it shall not be extended or enlarged, except in conformance with the current district regulations. Nonconforming structures may be reconstructed, moved, or structurally altered up to fifty percent (50%) of the current fair market valuation of the structure. The total cost of repairs and improvements done over the life of the structure shall be compounded and the aggregate total shall not exceed the current fifty percent (50%) figure.

SEC. 13-1-83 CHANGES AND SUBSTITUTIONS.

- (a) A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals after public notice and hearing to be no more harmful to the surrounding neighborhood from the standpoint of the purposes of this Chapter than the existing nonconforming use.
- (b) Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-84 SUBSTANDARD LOTS.

- (a) In any residential district, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Chapter.
- (b) Such lot or parcel shall be in separate ownership from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
 - (1) Lot.
 - a. Width. Minimum fifty-five (55) feet.
 - b. Area. Minimum five thousand five hundred (5,500) square feet.
 - (2) Building.
 - a. Area. Minimum nine hundred (900) square feet.
 - b. Height. Maximum thirty-five (35) feet.
 - (3) Yards.
 - a. Street. Minimum twenty-five (25) feet; the second street yard on corner lots shall be not less than ten (10) feet.
 - b. Rear. Minimum twenty-five (25) feet.
 - c. Side. Minimum of nine (9) feet.

SEC. 13-1-85 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.

ARTICLE G

Traffic, Visibility, Loading, Parking and Access

SEC. 13-1-90 TRAFFIC VISIBILITY.

- (a) No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2-1/2) and ten (10) feet above the average curb grades or the street or highway grades at the centerline where there is no curb, within the triangular space formed by any two (2) existing or proposed intersecting streets, highway, or alley right-of-way lines and a line adjoining points on such lines located a minimum of fifteen (15) feet from their intersection.
- (b) This Section shall not apply to electric, gas, and communication lines, installed and maintained under regulation of a governmental agency, provided that a permit shall be required for more than one (1) pole to be erected within the fifteen (15) foot traffic visibility area at any intersection of two (2) public roads. In the case of arterial highways intersecting with other arterial highways or railways, the distances establishing the triangular vision clearance space shall be increased to fifty (50) feet. Except when necessary, street lighting and power transmission poles shall be exempt from this increased setback requirement.

SEC. 13-1-91 SCOPE OF PARKING AND LOADING REGULATIONS.

The off-street parking and loading provisions of this Article shall apply as follows:

- (a) For all buildings and structures erected after the effective date of this Chapter, accessory parking and loading shall be according to the provisions of this Article.
- (b) Where the intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided.
- (c) Whenever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.
- (d) Any existing parking and loading serving any type of use may not be reduced below the requirements of this Article.
- (e) Where a conforming or legally nonconforming building is destroyed or damaged by fire, explosion, flood, or any other manmade or natural catastrophe, no off-street parking or loading is required during the process of reconstruction.
- (f) Any application for a zoning permit shall include therewith a plot plan accurately showing any parking or loading facilities to be provided in compliance with this Article.

SEC. 13-1-92 PARKING REQUIREMENTS.

In all districts there shall be provided at the time any building or structure is erected, off-street parking spaces in accordance with the requirements of this Section: A site plan, including layout of parking spaces and water drainage, of any parking area for more than five (5) vehicles shall be submitted to the Zoning Administrator for approval prior to commencement of construction. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Size of Stall.** A required off-street parking stall shall be at least one hundred eighty (180) square feet, exclusive of access drives and aisles, ramps, or columns.
- (c) **Surfacing.** An open off-street parking area, containing more than five (5) parking spaces shall be improved with a bituminous or cement concrete pavement in accordance with the City of Green Lake standards and specifications. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked for handicapped and customer/employee parking. Surfacing shall be completed before an occupancy permit is issued, except that between

November 1 and April 1 the property owner and City may enter into an agreement that required surfacing be completed no later than June 1st. The above stated requirement for a bituminous or cement concrete pavement shall not apply in those cases where the City Council determines that a different surface would be suitable so that dust creation would be minimal and such a surface would not be detrimental to the property values of neighboring property owners.

- (d) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
- (e) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- (f) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.
- (g) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (h) **Storage and Parking of Accessory Vehicles.** Campers, travel trailers or motor homes, boats, buses, trucks over three-quarter (3/4) ton, and other similar vehicles or apparatus shall not be stored or parked for a length of time greater than seventy-two (72) hours on any public street.
- (i) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (j) **Number of Stalls.** Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwelling and unit mobile homes	2 stalls per dwelling
Multi-family dwellings	1.5 stalls per dwelling unit
Hotels, motels	1 stall per 3 employees 1 stall per guestroom
Clubs, lodges, sororities, fraternities, dormitories, lodging and boarding houses	1 stall per 2 beds, plus 1 stall for each 3 employees

Service institutions:

- | | |
|--|--|
| 1. Hospitals | 1 stall per 2 beds and 1 stall per 3 employees |
| 2. Sanitariums, institutions, rest and nursing homes | 1 stall per 5 beds and 1 stall per 3 employees |

Medical and dental clinics	6 stalls per doctor
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Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 seats
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Schools:

- | | |
|-----------------------------------|--|
| 1. Elementary schools | 1 stall per 2 employees |
| 2. Colleges and secondary schools | 1 stall per 2 employees & 1 stall per 5 students |

Retail sales and services:

- | | |
|--|---|
| 1. Restaurants, bars, or lounges | 1 stall per 150 square feet of gross floor area |
| 2. Financial institutions, businesses, governmental and professional offices | 1 stall per 300 square feet |
| 3. Funeral homes | 1 stall per 4 seats |
| 4. Bowling alleys | 5 stalls per alley |
| 5. All other retail sales and services, including shopping centers | 1 stall per 250 square feet gross floor area |

Manufacturing and processing plants, laboratories, warehouses, and wholesale sales	1 stall per 2 employees
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- (k) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (l) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours.
- The following conditions must be met for any joint use:
- (1) The proposed joint parking space is within five hundred (500) feet of the use it will serve.

- (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two
 - (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument approved by the Common Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.
- (m) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (n) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (o) **Off-Lot Parking.**
- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district and not over four hundred (400) feet from the principal use. Written proof of said off-street parking arrangements shall be in a manner that is satisfactory to and approved of by the Zoning Administrator.
 - (2) Off-lot parking spaces for residential uses shall be within four hundred (400) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within four hundred (400) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (p) **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this Chapter.
- (q) **Lighting.** Lighting used to illuminate off-street parking shall have no direct source of light visible from a street or adjacent land.

- (r) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirements set forth herein.

SEC. 13-1-93 HIGHWAY ACCESS.

- (a) **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.
No direct public or private access shall be permitted to the existing or proposed rights-of-way of 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 (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

SEC. 13-1-94 TRUCK LOADING AREAS AND PARKING SPACES.

Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials, and supplies by truck and those using trucks in their business or operation.

SEC. 13-1-95 THROUGH SEC. 13-1-99 RESERVED FOR FUTURE USE.

ARTICLE H

Signs

SEC. 13-1-100 PURPOSE OF SIGN AND BILLBOARD REQUIREMENTS.

The purpose of these sign regulations is to promote health, safety, general welfare, and order within the City of Green Lake through the establishment of a comprehensive and impartial series of standards, regulations, and procedures governing the type, numbers, size, structure, location, height, electrification, installation and maintenance of all signs, or symbols serving as a visual communication media to persons visible from or upon public rights-of-way or properties. With this purpose in mind, it is the intention of this Article to authorize signs which are:

- (a) Compatible with the zoning regulations.

- (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (c) Legible, readable, visible and well-designed for the circumstances in which they are used.
- (d) Respectful of the reasonable rights of other advertisers.
- (e) Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop.
- (f) It is further the intent of this Article to prohibit signs which:
 - (1) Prevent or inhibit adequate light, air, or ventilation.
 - (2) Inhibit the safety of vehicular or pedestrian traffic by actual physical or visual impairment or obstruction.
 - (3) Distract from the aesthetics of the location, area, and community as a whole.
 - (4) When lit, cause distraction and safety hazards for vehicular and pedestrian traffic.

SEC. 13-1-101 SIGNS, CANOPIES, AWNINGS AND BILLBOARD DEFINITIONS

The following definitions are used in this Article:

- (a) Abandoned Sign. A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.
- (b) Area of Sign. The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one (1) section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (c) Awning. A temporary fabric, hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure and which contains no lettering or imagery.
- (d) Awning Sign. Any lettering or imagery sewn or painted on the fabric portion of an awning.
- (e) Banner. A non-illuminated, elongated, fabric sign usually used as a temporary display for the special announcement of a coming event.
- (f) Billboard. A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located and not more than three hundred (300) square feet.
- (g) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (h) Bulletin Board. Any sign used for the purpose of identifying a public, charitable or religious institution and information pertaining to its meetings and activities.

- (i) Canopy. A canopy is a shelter, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (j) Canopy Sign. Any sign attached to or constructed in, on or under a canopy or marquee.
- (k) Changeable Copy/Message Sign. A sign such as a time and temperature sign, message center or reader board, whether electronic, electric or manual, where the copy image or message changes.
 - (1) Community(kiosk)Board Signs. A small freestanding ground sign announcing community events and information.
- (l) Day. A day shall be designated as a period of time in terms of calendar days.
- (m) Directional Sign, City-Sponsored. A City-authorized sign on which the names, locations and directions of businesses, recreational and public facilities and other attractions are displayed for the purpose of directing persons to such places. Such signs shall be uniform in color, size, and lettering.
- (n) Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (o) Directory Sign. Any sign on which the names and locations of occupants or the use of a building are given. This may include offices. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial or industrial buildings.
- (p) Election Campaign Period. In the case of an election for office, the period beginning on the first day on which candidates would circulate nomination papers until seven (7) days following the election.
- (q) Flags or Pennants. Devices generally made of flexible material, such as cloth, paper or plastic and displayed on strings or wires.
- (r) Flashing Sign. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
- (s) Freestanding (Ground and/or Pole Sign). Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (t) Height of the Sign. The vertical distance measured from the ground (finished surface) at the base of a sign to the highest point of such sign.
- (u) Identification Sign. Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (v) Illegal Sign. Signs which are considered illegal are those which do not meet the standards of the codes at the time they were erected or do not meet the standards of this Chapter.
- (w) Inflatable Sign. Any advertising structure which is filled with a nonflammable gas or air under pressure.

- (x) Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign.
- (y) Marquee Sign. Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
 - (1) Mural. (see Wall Sign)
- (z) Nonconforming Sign. Any sign which does not conform to the regulations of this Article.
- (aa) Off-Premise Sign. Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
 - (1) Parapet. A low wall or railing to protect the edge of a roof.
- (bb) Permanent Sign. A sign placed, installed, or attached to a building or property that will remain for more than thirty (30) days.
- (cc) Political Sign. Any sign displaying a candidate for an election, or a current election's subject matter.
- (dd) Portable Sign/Message Boards. Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
- (ee) Projecting Sign. Any sign extending more than six (6) inches but less than ten(10)feet, from the face of a wall or building.
- (ff) Real Estate Sign. Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (gg) Roof Sign. Any sign erected upon or over the roof or parapet of any building.
- (hh) Sandwich Board Sign. A hinged or unhinged A-frame portable sign which is generally temporary in nature. Such a sign is also considered to be a ground sign.
- (ii) Sign. Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media, including all but the supporting structure.
- (jj) Subdivision Entrance Sign (or Emblem). Any sign whose purpose is exclusively limited to the identification of a platted subdivision or residential area and which names such subdivision without further elaboration, display or advertisement.
- (kk) Temporary Sign. Any sign intended to be displayed for a short period of time, including real estate or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.
- (ll) Total Gross Signage. The total square footage of all signage on a property and/or building.
- (mm) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than ten (10) inches from such wall.
- (nn) Window Sign. Any sign located completely within an enclosed building or visible from a public way.

SEC. 13-1-102 REQUIRED PERMITS FOR SIGNS, CANOPIES, AWNNGS & BILLBOARDS.

- (a) **Application.** Except those specified in Section 13-1-104, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the City of Green Lake. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (b) **Required Information.** The sign permit application shall contain the following information:
- (1) Name, address and telephone number of the applicant and location of the building, structure, lot or property to which or upon which the sign is to be attached or erected.
 - (2) Name of person, firm, corporation or association erecting the sign.
 - (3) Written consent of the owner or lessee, if different from the applicant, of the building, structure or land to which or upon which the sign is to be affixed or erected.
 - (4) A scale drawing of such sign indicating the dimensions, the materials to be used, lettering, color and type of illumination, if any, and the method of construction and attachment.
 - (5) A scale site drawing indicating the location and position of lot lines, existing buildings, existing signs, location of the proposed sign, photographs of the building and/or site of the proposed sign, including adjoining properties.
 - (6) Information (or type of information, message and/or images) to be displayed on the face(s) of the sign.
 - (7) Calculations or evidence showing the structure and design meet the requirements of this Chapter.
 - (8) Evidence of insurance or bond as required herein.
 - (9) Payment of fee(s) as set forth in this Section.
- (c) **Temporary Sign Permit.** A temporary sign permit for an on-premise sign less than twelve (12) square feet may be issued by the Building Inspector provided the sign conforms to the conditions set forth in this Chapter.
- (d) **Fee.** The permit fee for each permanent sign shall be Twenty-five Dollars (\$25.00). The fee for a temporary sign shall be Ten Dollars (\$10.00). Fees double for anyone who erects or installs a sign without a permit.
- (e) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the City before the sign permit is granted.
- (f) **Inspection.** Every sign shall be inspected and approved by the City's Building Inspector within thirty (30) days after

it is erected or altered.

- (g) **Appeals.** Any person, firm or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Zoning Appeals.

SEC. 13-1-103 LIABILITY.

The acceptance of fees as provided herein shall not be deemed as assumption of liability by the City. The owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to persons or property thereby.

SEC. 13-1-104 SIGNS NOT REQUIRING A PERMIT.

The following signs shall not require a sign permit in all zoning districts in the City of Green Lake, provided that they are not located in or over a public road right-of-way; or in, on or over public water, provided that they comply with the restrictions and specifications as set forth in this Article and this Chapter:

- (a) **Governmental Signs.** Signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, directory signs or safety which are erected by or on the order of a public officer in the performance of his public duty. Government signs may be placed in or over public road rights-of-way.
- (b) **House Numbers and Nameplates.** House numbers and nameplates indicating the occupant's name and/or address not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- (c) **Interior Signs.** Interior signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs and Plaques.** Memorial signs and tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- (e) **No Trespassing and No Dumping Signs.** No trespassing and no dumping signs shall be a standard eighteen (18) inches by twenty-four (24) inches.
- (f) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties.
- (g) **Public Signs.** Signs required as specifically authorized for public purpose by any law, statute, or ordinance.
- (h) **Political and Campaign Signs.** Political signs on behalf of candidates for public office or issues on election ballots provided that said signs are subject to the following regulations:
 - (1) Permission shall be obtained from the owner or tenants in possession of the property upon which an election campaign sign is erected. No sign shall be located on public property.
 - (2) Said signs may be erected during the election campaign period and shall be removed within seven (7) days following said election. If the signs are not removed

within the seven (7) day period, the Building Inspector or his authorized agent shall cause said signs to be removed without the necessity of giving notice and the cost of such removal shall be chargeable to the owner of the property on which said sign is located.

- (3) a. Each sign shall not exceed eight (8) square feet in area.
- b. In residential areas, no political or campaign signs may be so constructed, erected or placed so as to adversely affect traffic or pedestrian safety.
- c. Signs having an electrical, mechanical or audio auxiliary shall be subject to all regulations of this Chapter which would otherwise apply.

(i) **Real Estate Signs.**

Real Estate Signs advertising sale, lease, or rentals of thirty (30) days or longer are subject to the following regulations:

- (1) One (1) real estate sales sign is allowed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated. A second real estate sign may be placed on the water front side of waterfront property.
- (2) In residential and commercial districts, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after sale, rental or lease has been accomplished.
- (3) Signs larger than eight (8) square feet advertising for sale, rental, or lease require a sign permit.

(j) **Temporary Window Signs.** In business, commercial and industrial districts, the inside surfaces of any window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed twenty-five (25%) of the total window area in which the sign(s) is placed and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs shall not be displayed for more than thirty (30) days.

(k) **Bulletins.** Temporary signs not exceeding four (4) square feet in area pertaining to events of civic, philanthropic, educational and religious organizations, provided such signs are posted no more than fifteen (15) days before said event and removed within fifteen (15) after the event.

(l) **Awnings.** Decorative awnings without lettering or imagery are not considered signs within the definition of this Chapter.

(m) **Professional and Business Name Plate Signs.** Professional and business name plate signs shall be located on the premises being served and shall be limited to one (1) such sign per business. One (1) professional name plate sign shall not exceed two (2) square feet.

(n) **Rummage Sale Signs.** Rummage sale signs used for the purpose of advertising the sale of merchandise at a private residence by at least one (1) occupant of said residence, subject to the following regulations:

- (1) No rummage sale sign shall be displayed more than one (1) day before the sale or one (1) day following the sale.

- (2) Signs shall not be attached to or displayed on traffic or regulatory signs, light poles, parkway/terrace trees or other public property.
- (o) **Governmental Entity Flags.** Governmental entity flags which are the official flags of the United States, State of Wisconsin and which are properly displayed.
- (p) **Gasoline Price Signs.** Gasoline price signs, as required by law, not larger than twenty (20) square feet surface area, one (1) or two (2) sided.
- (q) **Patriotic Buntings.** Red, white and blue patriotic buntings shall be allowed to be tastefully displayed without time limitation but subject to maintenance provisions.
- (r) **Contractor Signs.** Less than twelve (12) square feet and posted no longer than thirty (30) days after completion.
- (s) **Bulletin Boards.** On the premises of an identifying, charitable, public or religious institution or pertaining to its meetings and activities.

SEC. 13-1-105 SIGNS REQUIRING A PERMIT.

The following signs shall require a permit to be issued by the City of Green Lake:

- (a) **General Requirements.** All other advertising devices used to attract attention for advertising or identification purposes, whether defined in this Chapter or not, requires a permit. Signs for single tenant/use buildings are regulated according to the applicable zoning district, and corresponding restrictions listed in this Section. Signs for multi-tenant/use buildings are regulated by Subsection (c) below.
- (b) **Total Gross Signage.** The total allowable gross signage per building face shall not exceed one (1) square foot in area for every one (1) linear foot on the building face width on which it is mounted. Total gross signage includes all allowable signs.
- (c) **Multi-tenant/Use Buildings.**
 - (1) Identification Advertising Sign. The property, building or businesses located within a building shall be allowed only one (1) of the following signs for common identification or advertising purposes: projecting, ground/freestanding or wall sign. Professional and name plate signs are also allowed.
 - (2) Business Identification Signs. Buildings with common entrances shall be allowed one (1) directory-type sign at each entrance facing a public right-of-way or parking area. The maximum size shall be twenty-four (24) square feet per sign. Buildings with individual entrances facing a public right-of-way or parking area shall be allowed one (1) sign at each entrance. The maximum size of each sign shall be determined by dividing the total gross signage for the building by the number of businesses.
 - (3) Awning Signs. Awnings with lettering or imagery are considered signs. The lettering or imagery shall not exceed one-fourth (1/4) of the total surface area of the awning and shall be included as part of the total gross signage.
 - (4) Temporary Signs. Temporary, as well as conditional

and unrestricted signs, are permitted subject to the requirements of the applicable zoning district or type of sign.

(d) **Commercial, Highway Business and Industrial Districts.**

Signs are permitted in all commercial districts and the industrial districts subject to the following restrictions:

- (1) Permanent Signs. All permanent signs require a permit. Total square footage of all signs to be determined in Section 13-1-105(b). Multi-tenant/Use Buildings - Section 13-1-105(c) shall apply.
 - (2) Projecting Signs. The maximum size of projecting signs shall not exceed twenty-four (24) square feet. The minimum clearance to grade shall be eight (8) feet measured from the lowest part of the sign. A maximum of one (1) projecting sign per building shall be allowed. Projecting signs may extend not more than five (5) feet over the lot line and in no case shall extend to within three (3) feet of the street curb line, and shall not be less than ten (10) feet from all side lot lines.
 - (3) Repealed per Ordinance #678-11.3
 - (4) Wall Signs. Wall signs shall not exceed thirty-two (32) square feet per building facade.
 - (5) Permanent Window Signs. Permanent window signs shall not exceed twenty-five percent (25%) of the total area of the window in which the sign(s) is placed.
 - (6) Ground/Freestanding Signs. Ground/freestanding signs shall not exceed twenty (20) feet in height, nor more than thirty-two (32) square feet per sign face. Signs less than eight (8) feet high shall not exceed thirty-two (32) square feet per sign face.
 - (7) Changeable Copy Signs. Permanent changeable copy signs are allowed.
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- (8) Portable Sign. A portable sign or sandwich board sign is permitted, placed on the business premise standing no more than four (4) feet high and with each sign surface not exceeding ten (10) square feet. Portable signs shall not be placed so as to block building entrances or exits and shall be located entirely on private property. Such a sign shall require a temporary or conditional sign permit. Such signs shall be included in total gross signage calculations. Trailer type signs are not allowed.

- (9) Off-site Portable Sign. An off-site portable sign or sandwich board sign placed within the street right-of-way is permitted subject to the following conditions:
 - (a) Located within 100 feet of property line of business advertised.
 - (b) Requires written consent of property owner whose land the sign is placed in front of.
 - (c) Limited to one portable sign per business per street.
 - (d) Doesn't interfere with pedestrian or vehicular traffic.
 - (e) Displayed only during business hours.
 - (f) Placed where specified on permit.
 - (g) Sign shall not be more than four (4) feet high and with each sign surface not exceeding ten (10) square feet.
 - (h) Trailer-type signs are not allowed.
 - (i) Requires a temporary sign permit.
- (10) Awnings with Lettering. Awnings with lettering shall be considered as signs.
- (11) Directory Signs. Maximum ten (10) square feet limited to one (1) per building side facing a public right-of-way with a maximum of two (2) per building.
- (12) Billboards. Signs not greater than three hundred (300) square feet per face, and limited to State Highway 23 and County Highway A.
- (e) **Residential, Conservancy, Public, Semi-Public and Agricultural Districts.** All signs are prohibited in Residential, Conservancy, Public, Semi-Public and Agricultural Districts, except those signs allowed by Section 13-1-104.
- (f) **Changeable Copy Signs.** Changeable copy signs are permitted for schools, churches, public service, and theatre for residential districts.
- (g) **Waterfront Business Signs.** One waterfront business sign is allowed as long as it does not exceed twelve (12) square feet.

SEC. 13-1-106 LANDSCAPE FEATURES.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements incorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area.

SEC. 13-1-107 PROHIBITED SIGNS.

The following signs shall be prohibited within all zoning districts

in the City of Green Lake:

- (a) **Abandoned Signs.**
- (b) **Flashing, Alternating, Rotating or Swinging Signs.**
Flashing, alternating, rotating, animated or swinging signs or devices, whether illuminated or not, visible from the public right-of-way.
- (c) **Changeable Copy Signs.** Changeable copy signs, fixed or moveable, except for those allowed in Section 13-1-105(d) (7).
- (d) **Floodlighted Signs.** Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property.
- (e) **Unclassified Signs.**
 - (1) Which are a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.
 - (2) Which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.
- (f) **Off-Premises Sign.** Off-premises sign which advertises goods, products, facilities or services not located on the premises where the sign is installed and maintained.
- (g) **Inflatable Advertising Devices or Signs.** Inflatable advertising devices or signs which are used off premises.
- (h) Repealed per Ordinance #678-11.3.
- (i) Repealed per Ordinance #678-11.3.
- (j) Repealed per Ordinance #678-11.3.
- (k) **Permanent Signs.** Signs which consist of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices for private or commercial purposes.
- (l) **Roof Signs.** Roof sign is allowable so long as it does not extend above the highest point of the roof.
- (m) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directory signs and as otherwise specified in this Chapter.
- (n) Any sign, poster, placard banner or graphic display that advertises cigarettes or alcoholic beverages in a publicly visible location. A publicly visible location shall include outdoor billboard, sides of buildings and freestanding signboards. This Section shall not apply to:
 - (1) (a) With respect to cigarettes, the placement of signs, including advertisement, inside any premises used by a holder of a license, or
 - (b) With respect to alcoholic beverages, the placement of signs, including advertisements inside any premises used by a holder of a license or on commercial vehicles used for transporting cigarettes or alcoholic beverages.
 - (2) (a) With respect to cigarettes, any sign that contains the name or slogan of the premises used by a holder of a license that has been placed for the purpose of identifying such premises; or
 - (b) With respect to alcoholic beverages, any sign that contains the name or slogan of the premises used by a holder of a license that has been placed for the purpose of identifying such premises.
 - (3) Any sign that contains a generic description of

- cigarettes or alcoholic beverages.
- (4) Any sign at a special event.

SEC. 13-1-108 DANGEROUS AND ABANDONED SIGNS.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Building Inspector, such signs is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Common Council, or its designee, may remove the sign at the cost of the owner, following a thirty (30) day written notice. Such costs of removal shall become a lien as provided in Section 66.60 (15) of the Wisconsin Statutes and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply.
- (b) **Alterations.** For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Article.

SEC. 13-1-109 VARIANCES OR EXCEPTIONS.

Variances or exceptions to these sign regulations may be granted by an application and approval by the Board of Zoning Appeals. (See Article O of the Zoning Ordinance, Title 13 Chapter 1).

SEC. 13-1-110 CONSTRUCTION AND MAINTENANCE REGULATIONS FOR SIGNS.

- (a) **Safety.** All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task.
- (b) **Electrical Signs.** This Chapter recognizes that electric signs are controlled under the special equipment provisions of the Electrical Code. An electrical permit shall first be obtained before an electrical sign is installed. Electrical signs shall comply with City, State and N.E.C. electrical codes. It also recognizes that electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high-voltage electric signs. Electric sign contractors and their employees are hereby authorized to perform the following tasks:
 - (1) Install exterior electric signs, ballasts or high voltage transformers to sockets or outline lighting tubes, and may connect said signs to primary branch circuit, if said circuit already exists outside the building.
 - (2) Install interior electric signs, but may not connect said signs to the primary branch circuit.
 - (3) Maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. This Chapter prohibits the

electric sign contractor or its employees from performing work on electric signs in contradiction to the Electrical Code.

- (c) **Maintenance and Repair.** Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign. In addition, the premises on which the sign is erected shall be kept in a clean, sanitary and inoffensive condition, free and clear of all noxious substances. The Building Inspector or his authorized agent shall enforce compliance with all standards of this Chapter. If the sign is not modified to comply with safety standards outlined in this Chapter, the Building Inspector or his authorized agent shall require its removal in accordance with this Section or the sign shall be removed under the authority of the Building Inspector or his authorized agent, and costs incurred shall be paid by the owner of the premises on which such sign is located. Signs removed for maintenance and repair for over thirty (30) days shall be required to reapply for a sign permit before re-erecting the sign.
- (d) **Protection of the Public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off or otherwise isolated.

SEC. 13-1-111 SIGNS REQUIRING A CONDITONAL USE PERMIT.

- (a) **Standards.** There are certain types of signs which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular zoning district or districts, without consideration, in each case, of the impact of those signs upon neighboring land or public facilities. Such signs, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, size and design. Such signs are classified as conditional uses. Such signs may only be erected following the issuance of a conditional use sign permit. Prior to the granting of any conditional use sign permit, the Plan Commission may stipulate restrictions upon the establishment, location, size, construction, color, maintenance and operation of the sign as deemed necessary to promote the public health, safety and general welfare of the community. In granting the conditional use sign permit, the Plan Commission shall consider the following factors:
 - (1) That the establishment, maintenance or operation of the sign will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment,

- maintenance or operation of the sign and the proposed sign is compatible with the use of adjacent land.
- (3) That the establishment of the sign will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.

(b) **Conditional Use Sign Permit Required.** The following signs may be allowed with a conditional permit, subject to the following conditions:

- (1) Large Temporary Business Signs. Large temporary business signs which exceed twenty-five percent (25%) of the total window area in which the sign is placed. Such signs may not exceed seventy-five percent (75%) of the total window area in which the sign is placed and may not be displayed more than fifteen (15) days. Notwithstanding the foregoing, going-out-of-business signs may be displayed for up to forty-five (45) days.
- (2) Temporary Wall Signs. Temporary wall signs may not exceed the lesser of one hundred (100) square feet or twenty percent (20%) of the area of the wall on which the sign is placed. These may be displayed up to fifteen (15) days.
- (3) Electric Directional and Instructional Signs. Electric directional and instructional signs whose purpose is the same as those of Section 13-1-111(a) and which have passed inspection by the Building Inspector or his authorized agent and comply with the Electrical Code.
- (4) Searchlights or Balloons. Searchlights or balloons may not be used on a permanent basis. A permit for such an advertising device may be issued for up to five (5) days and may not exceed a total of twenty-five (25) days or five (5) permits per year.
- (5) Advertising Vehicles. A permit may be issued for an on-premises advertising vehicle for a period of time not to exceed five (5) days and no more than three (3) permits per location may be issued per year. Vehicles with door signs only (less than eight (8) square feet per door) are exempt from this requirement.
- (6) Subdivision Development Signs. Subdivision development signs, banners and flags are permitted with the following restrictions:
 - a. Such permits may be issued for a period of two (2) years and may be annually renewed after two (2) years.
 - b. Signs as used in this Section refer to all types of signs except those prohibited by this Chapter.
 - c. The sign must be located on the property being developed and must comply with all applicable building setback requirements.
 - d. The sign may not exceed thirty-two (32) square feet for properties less than five (5) acres. More than five (5) acres are a maximum ninety-six (96) square feet, with setback and size to be determined by the Plan Commission. [One (1) sign is allowed for each major street adjacent to the subdivision.]
- (7) Sale/Lease/Rent Signs. Larger than eight (8) square feet.

- (8) Contractor Signs. Any sign used for identifying and naming the contractors engaged in construction on the property where the sign is located, provided the sign is between twelve (12) and thirty-two (32) square feet.
- (9) Painted Wall Signs. Painted wall signs which are painted directly on the surface of the building.

SEC. 13-1-112 SIGNS REQUIRING A TEMPORARY PERMIT.

The following signs are allowable with a temporary sign permit issued by the Building Inspector or his authorized agent. A temporary sign permit fee is required per Section 13-1-102(d).

- (a) **Temporary Sign.** Temporary sign less than twelve (12) square feet which advertises a special event for a civil, philanthropic, educational or religious organization. A permit may be issued for fourteen (14) days. A temporary sign can be displayed for up to two (2) weeks at a time during no more than three (3) different periods per year. Each such two (2) week period requires a new permit and fee. Such temporary signs must be located on private property only and shall not obstruct building exits, unless noted elsewhere in this Section.
- (b) **Over-the-Street Banner.** Unlighted special event banners not exceeding one hundred fifty (150) square feet in area. A permit may be issued for twenty (20) days.
- (c) **Banners, Flags, and Pennants.** Banners, flags and pennants (which are temporary signs or devices of paper, fabric, plastic or other flexible materials) for the purpose of advertising items other than community events and, for banners, shall not exceed the lesser of one hundred (100) square feet or twenty percent (20%) of the area of the wall on which they are placed. These may be displayed up to fifteen (15) days. Banners, flags or pennants for the purpose of promoting a community event may be displayed up to thirty (30) days.

SEC. 13-1-113 NONCONFORMING SIGNS.

- (a) **Signs Eligible for Characterization as Legal Nonconforming.** Any sign located within the City of Green Lake limits on the date of adoption of this Article hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
 - (1) The sign was covered by a proper sign permit prior to the date of adoption of this Article;
 - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Article.
 - (3) All nonconforming signs shall be deemed to have exhausted their economic life after seven (7) years from the time they became nonconforming. Nonconforming signs, after this seven-year period, shall either be made to conform to the terms of this Ordinance or shall be removed by the owner, agent, or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period shall be kept in

good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Building Inspector shall, upon adoption and/or amendment of this Ordinance, notify the owner, agent, or person having beneficial use of the property, of this provision. Failure to notify any one is not grounds for non-enforcement of this provision. The Building Inspector shall, after the seven-year grace period, notify the owner, agent, or person having beneficial use of the property, of the expiration of the grace period. After thirty (30) days, if the sign has not been made to conform to this Ordinance or removed, the Building Inspector shall initiate appropriate punitive action. Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Building Inspector shall also be subject to punitive action.

- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case the constructed sign shall comply with the provisions of this Article.
- (2) The sign is relocated.
- (3) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
- (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.

- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

SEC. 13-1-114 AWNINGS AND CANOPIES.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) Support. Awnings shall be securely attached to

- and supported by the building and shall be without posts or columns beyond the setback line.
- (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) Setback from Curb Line. No awning shall extend beyond a point four (4) feet into the right-of-way.
 - (4) Repealed per Ordinance #678-11.3.
 - (5) Awning Insurance Requirements. Every applicant for a permit for an awning which will overhang the public street or sidewalk shall, before the permit is granted, file with the City Clerk a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for property damage which shall indemnify and save harmless the City of Green Lake from any and all damages, judgments, costs or expense which the City may incur or suffer by reason of the granting of said permit.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located.
- (1) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand wind pressure. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) Setback From Curb. No canopy shall extend beyond a point four (4) feet from the face of a wall or building.
 - (4) Repealed per Ordinance #678-11.3.
 - (5) Canopy Insurance Requirements. Every applicant for a permit for a canopy which will overhang the public street or sidewalk shall, before the permit is granted, file with the City Clerk a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for any one (1) accident and Ten Thousand Dollars (\$10,000.00) for property damage which shall indemnify and save harmless the City of Green Lake from any and all damages,

judgments, costs or expenses which the City may incur or suffer by reason of the granting of said permit.

SEC. 13-1-115 VIOLATIONS OF THE SIGN CODE.

The owners of illegal signs shall observe the following procedures and immediately remove the illegal sign upon notification of the sign's illegality. Any such owner who fails to comply with this Section shall be subject to the following: The Building Inspector may cause the illegal sign to be removed and the cost of such removal shall become a lien as provided in Sec. 66.0627, Wis. Stats., and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply. All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of the Code of Ordinances. In addition to penalty provisions for violations of this Article, the Common Council or its designee may bring action to abate the nuisance in a manner set forth by Wisconsin Statutes.

- (a) **Penalty.** In addition to any other enforcement provisions provided in this Chapter, any person who shall violate any provision of this Chapter or any order, decision, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-1-7 of the Code of Ordinances of the City of Green Lake.
- (b) **Citations.** The Building Inspector and Chief of Police or their authorized agents are hereby authorized to issue citations for violations of this Chapter.
 - (1) Each day a sign remains in violation of this Chapter shall constitute a new offense.
- (c) **Injunctions.** The City Attorney is authorized to seek injunctive relief in a court of competent jurisdiction for the enforcement of this Chapter.
- (d) **Any person,** firm or corporation who violates any provisions of this Article shall be subject to the penalties prescribed in this Code of Ordinances. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

SEC. 13-1-116 THROUGH SEC. 13-1-119 - RESERVED FOR FUTURE USE.

ARTICLE I

Mobile Homes

SEC. 13-1-120 INTENT - WHERE MOBILE HOME DISTRICTS PERMITTED.

- (a) Residential-Mobile Home (R-MH) zoning districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One and Two Family Building Dwelling Code shall not be permitted in a residential Mobile Home (R-MH) District except as a conditional use.
- (c) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the City of Green Lake, except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile homes for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.

SEC. 13-1-121 DEFINITIONS.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:
 - (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (d) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- (e) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.058 of the Wisconsin Statutes shall also be applicable.

SEC. 13-1-122 MOBILE HOME OCCUPANCY PERMITS.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City Clerk-Treasurer within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owners and occupants and that such use and occupancy is otherwise in conformity with the applicable laws

and regulations of the State and City. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceeds fifty percent (50%) of the net value.

- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home park or removing to another park within the City, obtain a permit from the City Clerk-Treasurer. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.
- (d) The fee for mobile home occupancy permit shall be Twenty-five Dollars (\$25.00).

SEC. 13-1-123 MINIMUM DIMENSIONAL REQUIREMENTS FOR R-MH DISTRICTS AND FOR INDIVIDUAL MOBILE HOME COMMUNITIES; MINIMUM NUMBER OF LOTS OR SPACES.

- (a) Where a R-MH District is to be established for the development of a single mobile home community only, the minimum area shall be for three (3) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on zoned site.
- (b) These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

SEC. 13-1-124 PERMITTED AND PERMISSIBLE USES AND STRUCTURES.

The following principal uses and structures are permitted within R-MH Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile homes).**
In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

SEC. 13-1-125 MOBILE HOME PARK DEVELOPER'S PERMIT.

- (a) No person shall construct, alter, modify or extend any mobile home park or mobile home park building or facility within the limits of the City without first securing a mobile home park developer's permit from the City. Such permits shall be issued by the Zoning Administrator upon approval by the Plan Commission.
- (b) Applications for mobile home park developer's permits shall be filed with the City Clerk-Treasurer with sufficient copies for the City Clerk-Treasurer to forward one (1) each to the County Health Department, Building Inspector and Fire Chief, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and City and report their findings in writing to the Plan Commission within sixty (60) days. Such reports shall be considered by the Plan Commission before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for mobile home park developer's permit shall be accompanied by a fee of Five Hundred Dollars (\$500.00) to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.
- (d) Applications shall be made on forms furnished by the City Clerk-Treasurer and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.

- b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand herein.
 - d. Landscape plan showing all plantings.
 - e. Plans and specifications of all park buildings and structures.
- (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
 - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the Plan Commission shall be submitted to the City Clerk-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

SEC. 13-1-126 STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, ADDITIONS OR EXTENSIONS.

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- (a) Chapter HSS 177, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or City.
- (b) The maximum number of mobile home spaces shall be ten (10) per acre and individual spaces shall not be less than four thousand (4,000) square feet in area and arranged to afford ample area for a variety of units, a common width of fifty (50) feet, a setback of forty (40) feet from all public rights-of-way and ten (10) feet from any park drive or common area, including common parking areas, ten (10) feet from all park boundary lines, twenty (20) feet from any other unit, or ten (10) feet from any accessory building. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. All drives, parking areas and walkways shall be hard-surfaced; there shall be a minimum yard setback of thirty (30) feet at all lot lines of the mobile home park; no mobile home site shall be rented for a period of less than thirty (30) days; there shall be two (2) surfaced automobile parking spaces for each mobile home; and unless adequately screened by existing vegetative cover, it shall be screened by: a temporary planting of fast-growing material, capable of reaching a height of

fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting, such as white or Norway pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

- (c) No mobile home park shall be laid out, constructed or operated without City water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (d) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every mobile home stand and park building.
- (e) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and City Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- (f) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Plan Commission. Open burning of waste or refuse is prohibited.
- (g) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (h) Each space shall be provided with a weatherproof electrical overcurrent protection device, disconnect means and branch service of not less than sixty (60) amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for 110-220 volts.
- (i) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.

(j) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to

unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.

- (k) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (l) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (m) All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 - (1) All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.
 - (2) Potentially hazardous locations, such as major park streets intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.
- (n) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between centerlines of offset intersecting streets.
- (o) All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Walks in locations where pedestrian traffic is concentrated shall be a minimum of three and one-half (3-1/2) feet wide. Grade and surfacing of walks shall be approved by the City Engineer as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.
- (p) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified

- by the Plan Commission if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (q) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provided with a contiguous common recreational area not less than twenty (20) feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.
 - (r) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Plan Commission may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
 - (s) No signs shall be erected in mobile home parks except signs pertaining to the lease, hire or sale of individual mobile homes not more than two (2) square feet in area and one (1) mobile home park identification sign not more than fifty (50) square feet in area at each park entrance.
 - (t) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

SEC. 13-1-127 MOBILE HOME PARK OPERATOR'S LICENSE.

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled

by him a mobile home park within the City without a valid, unexpired mobile home park license issued by the City Clerk-Treasurer and approved by the Common Council upon determination that the standards in this Section have been met and payment of the required fees.

- (b) Mobile home park licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
- (c) The fee for a mobile home park license shall be Fifty Dollars (\$50.00) [the Statute allows a minimum of Twenty-five (\$25.00) and a maximum of One Hundred Dollars (\$100.00)] for each fifty (50) mobile home spaces or fraction thereof. Licenses may be transferred during a license year for a fee of Twenty Dollars (\$20.00).
- (d) Licenses granted under this Section shall be subject to revocation or suspension by the Common Council for cause in accordance with Section 66.058(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
 - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
 - (2) Conviction of any offense under the laws of the State or Ordinances of the City relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the City, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse, disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
 - (1) All standards and requirements set forth in Section 13-1-126 except as specifically waived or modified in writing by the Common Council and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home parks should be used only for the parking

and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under Section 13-1-126(r).

(3) Applicant shall file with the Common Council certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the park as required by this Chapter and are in required operating condition at the time of said application. In addition, the Building Inspector, County Health Department and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Common Council in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.

(4) Location and operation of the park shall comply with all zoning and land use Ordinances of the State and City.

- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks in areas hereafter annexed to the City, shall be exempt from the requirements hereof relating to land use and occupancy, provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home park developer's nonconforming use permit, and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in Section 13-1-156(r) shall not increase its density and shall be operated in other respects in accordance with this Chapter. The Common Council may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the City. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this Chapter.

SEC. 13-1-128 OPERATION OF MOBILE HOME PARKS; RESPONSIBILITIES OF PARK MANAGEMENT.

- (a) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the City and State and their agents or officers and shall have the following duties:
- (1) Maintain a register of all park occupants, to be open

at all times to inspection by state, federal and municipal officers, which shall show:

- a. Names and addresses of all owners and occupants of each mobile home.
- b. Number of children of school age.
- c. State of legal residence.
- d. Dates of entrance and departure of each mobile home.
- e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
- f. Place of employment of each occupant, if any.

(2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.

(3) Report all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.

(4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.

(5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(6) Maintain the park free from growth of noxious weeds.

(7) Maintain the park free of litter, rubbish, and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.

(8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the Ordinances of the City. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.

(9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.

(10) Allow inspection of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-13-(b) of this Chapter.

SEC. 13-1-129 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or City or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the City.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

SEC. 13-1-130 ADDITIONAL REGULATIONS ON MOBILE HOMES AND MOBILE HOME PARKS.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the City. The Building Inspector or Common Council shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Common Council so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a

reasonable time, but not less than thirty (30) days.

- (b) Authorized representatives of the Common Council are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the City as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the City.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes.
Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents.
- (e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector.
Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- (g) Storage under mobile homes is prohibited.

SEC. 13-1-131 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

SEC. 13-1-132 LIMITATIONS ON SIGNS.

In connection with Mobile Home Communities, no sign intended to be read from any public way adjoining the district shall be permitted except:

- (a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
- (b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.
- (c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
- (d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

SEC. 13-1-133 COMMON RECREATIONAL FACILITIES.

- (a) No less than ten percent (10%) of the total area of any mobile home community established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
- (b) To be countable as common recreational areas, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- (c) Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

SEC. 13-1-134 STANDARDS FOR GENERAL SITE PLANNING FOR MOBILE HOME COMMUNITIES.

The following guides, standards and requirements shall apply in

site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Protection of Visibility -- Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.
- (d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
 - (1) Along Public Streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to

streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.

(2) At Edges of R-MH Districts (Other Than at Streets or Alleys). Where R-MH communities are so located that one (1) or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.

- (e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.** Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.

- (g) **Internal Relationships.** The site plan shall provide for safe, efficient convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
 - (1) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access

as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

(2) Vehicular Access to Streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic.

Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

(3) Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.

a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.

b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

SEC. 13-1-135 THROUGH SEC. 13-1-139 RESERVED FOR FUTURE USE.

ARTICLE J

Satellite Earth Stations; Television or Radio Antenna Towers;
Wind Energy Systems

SEC. 13-1-140 SATELLITE EARTH STATIONS.

- (a) **Permit Required.** No owner shall, within the City of Green Lake, build, construct, use or place any type of satellite earth station until a permit shall have first been obtained from the Zoning Administrator.
- (b) **Definitions.**
 - (1) For purposes of this Section, a "satellite television dish" or "earth station" is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disk, satellite communications systems or home earth stations.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real

property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

- (c) **Application.** Application for a satellite earth station permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee of Ten Dollars (\$10.00) and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.

- (d) **Installation Restrictions.** Satellite earth stations installed in any zoning district within the City shall comply with the following provisions:

(1) Number of Units. Not more than one (1) satellite earth station may be allowed per individual recorded lot except additional stations may be permitted upon application for a variance in non-residential zones.

(2) Location and Setbacks.

a. Any satellite dish mounting post shall only be located in the rear yard of a residential lot and at least fifteen (15) feet from any property line. Placement of a satellite dish in a business or industrial district shall not be allowed unless a variance is granted by the Board of Appeals.

b. If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Zoning Board of Appeals.

For corner lots, a side yard is only a yard that does not face a street.

c. No dish shall be placed in the front yard of any residential, business or industrial lot in the City.

d. The Zoning Administrator shall determine whether a signal constitutes a usable satellite signal, based on evidence provided by the person seeking a permit to erect or construct the dish.

(3) Mounting. Satellite earth stations located in agricultural or residential districts shall be ground-mounted only. Satellite earth stations may be wall- or roof-mounted in business or industrial districts only.

Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Zoning Administrator may require engineering calculations.

(4) Diameter. The diameter of the satellite television dish shall not exceed ten (10) feet for the ground-mounted dish and six (6) feet for the roof-mounted dish, except for stations used to provide community antenna television services.

(5) Height.

a. A ground-mounted satellite dish may not exceed twelve (12) feet in height, as measured from the ground to the highest point of the dish.

b. A roof-mounted satellite dish may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

(6) Wind Pressure. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.

(7) Electrical Installations. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer.

In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit.

All satellite earth stations shall be grounded against direct lightning strikes.

(8) Temporary Placement. No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.

Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall give written notice to

the Zoning Administrator of the date when such placement shall begin and end.

(9) Advertising. No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates.

(10) Interference with Broadcasting. Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

(11) Compliance with Federal Regulations. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.

(12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Zoning Administrator as part of the application.

(e) **Variances.** Requests for variances from the standards established by this Section may be made to the Board of Zoning Appeals pursuant to Section 13-1-184 of this Chapter.

(f) **Enforcement.**

(1) It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this Section. In the event of any violation, the Common Council, Zoning Administrator or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

(2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-7.

SEC. 13-1-141 RADIO OR TELEVISION ANTENNA TOWERS.

(a) No radio or television antenna tower shall be erected or installed within the front yard. The rear setback and the side setback shall be that for the principal structure with the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Zoning Administrator.

(b) No radio or television tower in a residential district shall exceed a height of forty-five (45) feet above the ground measured at grade level, whichever is the minimum.

(c) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

SEC. 13-1-142 SPECIAL USE PERMITS REQUIRED -- WIND ENERGY SYSTEMS.

- (a) **Approval Required.** No owner shall, within the City, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (b) **Separate Permit Required for each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Plan Commission shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City, and specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

SEC. 13-1-143 PERMIT PROCEDURE -- WIND ENERGY SYSTEMS.

- (a) **Application.** The permit application for a wind energy system shall be made to the Zoning Administrator on forms provided by the City. The application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by

the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

- (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc. if applicable.
 - (6) Any other information which the Zoning Administrator, Plan Commission or Building Inspector may deem to be necessary to the proper review of the application.
 - (7) The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Plan Commission.
- (b) **Hearing.** Upon referral of the application, the Plan Commission shall schedule a public hearing thereof following the procedures for conditional use permits in Article E.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Plan Commission shall, as soon as practical, render its decision and a copy be made a permanent part of the Commission's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Plan Commission may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.
- (d) **Termination.** When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Plan Commission following a public hearing thereon.
- (e) **Changes.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Plan Commission and if, in the opinion of the Commission, such change or addition constitutes a substantial alteration, a public hearing before the Plan Commission shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

SEC. 13-1-144 SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.

- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system.
Energy easements shall accompany the application.
- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

ARTICLE K

Accessory Uses and Structures; Fences and Hedges

SEC. 13-1-150 ACCESSORY USES OR STRUCTURES.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions - Residential Districts, Except as Set Forth in Section 13-1-24(g) for Accessory Buildings Located in the Single-Family Lake Shore District (R).**

An accessory use or structure in a residential district may be established subject to the following regulations:

 - (1) Accessory Building Number Limits. In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
 - (2) Accessory Building Size Limits. Garages and other detached accessory buildings shall be less than fifteen (15) feet in height.
 - (3) Attached Accessory Buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (4) Detached Accessory Buildings. Detached accessory buildings and private garages are permitted in the rear yard only. They shall not be closer than ten (10) feet to the principal structure, exceed fifteen (15) feet in height, occupy more than twenty percent (20%) of the rear yard area, and be closer than three (3) feet to any lot line nor five (5) feet to any alley line. A detached garage, if in the rear yard, is an accessory structure and the foregoing applies. If the garage is entirely or any part thereof in the side yard, attached or not, it is considered an integral part of the principal structure and the district yard requirements apply.
- (c) **Use Restrictions -- Residential District.** Accessory uses or structures in residential districts shall not involve the

conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.

- (d) **Placement Restrictions -- Nonresidential Districts, Except as Set Forth in Section 13-1-36(c)(5) for Accessory Buildings Located in the Recreational Business District (RB).** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

SEC. 13-1-151 OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

SEC. 13-1-152 FENCES.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of concrete, wood, stone or metal intended to prevent ingress or egress.
No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
 - (1) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.
- (c) **Setback and Height of Fences Regulated.** Fences and walls are allowed in all yards provided they are within the height limitations as follows unless otherwise stated:
 - (1) In front yards, not to exceed four (4) feet in height, except at corner lots where it may not exceed three (3) feet.
 - (2) In side and rear yards, boundary fences shall not exceed six (6) feet.
- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and

shall be of an open type similar to woven wire or wrought iron fencing.

- (e) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (f) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (g) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (h) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

SEC. 13-1-153 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of twelve (12) feet and a maximum wall height of thirty-six (36) inches and which are so constructed that it may readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming

pools or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add must be submitted in writing to the Zoning Administrator. Plans and specifications and pertinent explanatory data should be submitted to the Zoning Administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the City Building Code shall accompany such application.

- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction as provided for in Subsection (c), unless the following construction requirements are observed:

(1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.

(2) All plumbing work shall be in accordance with all applicable Ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

(3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City Ordinances regulating electrical installations.

- (e) **Setbacks and Other Requirements.**

(1) Private swimming pools shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than five (5) feet from any lot line.

- (f) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the protective enclosure requirements of this Section.

(1) All private residential swimming pools, whether in-ground or above-ground types, shall be enclosed with an adequate and secure fence at least forty-eight (48) inches high above adjoining grade to prevent straying into the pool area. Required fences shall be constructed to prohibit the passage of a five (5) inch

sphere between fence members. Any gates installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least forty-eight (48) inches above the ground or a pool cover capable of supporting one hundred (100) pounds per square foot of area are acceptable substitutes for fencing. Pool covers shall be

fixed securely in place at all times when the pool is not supervised by a responsible person.

(2) Above-grade pools with walls that are at least forty-eight (48) inches high at all points around said pool or have platforms and railings that are forty-eight (48) inches or more in height above grade are not required to be enclosed as provided in Subsection (f)(1), but the ladders and stairways providing access to said pools shall be adequately secured to prevent entry whenever the pool is not in use.

(3) All swimming pools existing at the time of passage of this section, not satisfactorily fenced, shall comply with the protective enclosures requirements of this section within sixty (60) days of publication.

(g) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector.

(h) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(i) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

SEC. 13-1-154 HOME OCCUPATIONS.

(a) **Purpose.** The purpose of this Section is to regulate the conditions under which occupations may be carried on at homes in order that such home occupations may not undermine the general intents and purposes of this Chapter and the specific purposes of the residential districts.

(b) **Conditions of Use.** The following regulations shall be applicable to home occupations:

(1) Only those occupations which, by their nature, can be

- carried out safely in homes without generating any nuisance or hazards are allowed.
- (2) Such occupations shall not have more than one (1) assistant involved in the operation other than family members living on the premises.
 - (3) Home occupations may not occupy more than fifteen percent (15%) of the total floor area of the house.
 - (4) Activities which involve the manufacture, utilization, processing or storage of inflammable and explosive materials shall not be carried out.
 - (5) No operation producing any form of glare or heat shall be carried out as home occupations.
 - (6) Home occupations shall not produce noise or sound that may be heard in the adjacent property.
 - (7) No odors or vibrations may emanate from home occupations.
 - (8) No activity shall emit radioactive or electrical disturbances outside the premises that are dangerous or may adversely affect the use of neighboring premises.
 - (9) There shall be no outside storage of any kind related to the home occupation.

SEC. 13-1-155 THROUGH SEC. 13-1-159 RESERVED FOR FUTURE USE.

ARTICLE L

Restrictions for Green Lake Industrial Park

SEC. 13-1-160 LEGAL DESCRIPTION.

The following legal description shall define the boundaries of the Green Lake Industrial Park:

The East Half of West Half of Northwest Quarter of Section 22, in Township 16 North, Range 13 East.
The West One-fourth of the East Half of the Northwest Quarter of Section 22, Township 16 North, Range 13 East, Green Lake County, Wisconsin, otherwise known

as **GREEN LAKE INDUSTRIAL PARK.**

SEC. 13-1-161 IMPOSITION OF RESTRICTIONS.

The City of Green Lake, by Ordinance No. 98, adopted a Declaration of Restrictions relating to said Industrial Park, which restrictions were recorded in the office of the Register of Deeds for Green Lake County, Wisconsin, in Volume 268 of Records on page 559, and are covenants running with the land and binding upon the present title owners thereof. It is the intention of the City and of a majority of the owners of parcels of land purchased in said subdivision to replace said restrictions as herein set forth in this Article.

SEC. 13-1-162 PLAN APPROVAL.

No building, or any improvement, shall be erected, placed or altered on any building site in the Green Lake Industrial Park subdivision until the plans for such building or improvement, including site plan, landscape plan, building plan and specifications have been approved by the Plan Commission in the same manner used for conditional use permit approvals in Sections 13-1-60 through 13-1-71.

SEC. 13-1-163 REQUIRED SURFACING.

All driveways shall be surfaced with hot-mixed asphalt concrete, portland cement concrete or other dust-free hard and durable surface from the City street surface to the front building face. All walks shall be of portland cement concrete or blacktopping; and all landscaping, drives and walks shall be completed at the time of construction of the building where reasonably possible.

SEC. 13-1-164 SETBACKS; VARIANCES.

No part or portion of any building shall be erected, constructed or extended nearer than those setbacks established for light industrial districts in this Zoning Code. Variances may be granted by the Board of Appeals whenever such setbacks are unrealistic in view of the plans submitted for a particular property within the Green Lake Industrial Park. Such variances may be indicated upon the face of the deed of conveyance of the land involved and, when so indicated, shall be binding upon all parties and their successors in interest.

SEC. 13-1-165 LANDSCAPING.

All areas not utilized for driveways and parking shall be landscaped and maintained in such a manner that they will be aesthetically attractive themselves and as they relate to the other portions of the Green Lake Industrial Park and the adjacent area.

SEC. 13-1-166 APPEARANCE STANDARDS.

- (a) The front of all buildings shall be faced to a minimum height of three (3) feet with decorative masonry or other material approved by the Plan Commission, and said facing shall extend a minimum of twenty (20) feet on each side of all buildings or to a natural dividing point approved by said Commission. For the purpose of this restriction, standards, lightweight or cinder concrete block are not considered decorative masonry. The sides and rear of all buildings shall be any material approved by the Plan Commission. Where concrete block masonry is used, it shall be painted two (2) coats of paint and shall be of decorative pattern block or other decorative treatment of plain block approved by the Plan Commission.
- (b) Industrial-type pole buildings and poured concrete paneled constructions shall be considered appropriate.

SEC. 13-1-167 PARKING REQUIREMENTS.

One (1) parking stall of not less than one hundred eighty (180) square feet, including drives and approaches, shall be provided on each property for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever amount constitutes the greater number of stalls. Parking stalls shall be added on each property as required to accommodate all employees. City streets will not be designed by the City to provide parking.

SEC. 13-1-168 OUTSIDE STORAGE.

All material or products stored outside buildings must be behind the building setback line from the street and must be screened from view from the street with solid fencing or screening approved by the Plan Commission. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fence shall be six (6) feet. The fence must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose. Storage and other outbuildings shall be approved by the Plan Commission. Signs are subject to the sign restrictions of this Zoning Code.

SEC. 13-1-169 NUISANCES PROHIBITED.

No portion of any property shall be so used as to create a nuisance to adjacent sites or the general area, such as, but not limited to: vibration, sound, electromechanical disturbance and radiation, air or water pollution, dust or emission of odorous toxins or nontoxic matter. (It is intended that this Section include and conform to any prohibition and/or standards provided from time to time in the Wisconsin Administrative Code.)

SEC. 13-1-170 INCINERATION REQUIREMENTS.

No rubbish or other material may be burned on the premises, except in an incinerator especially constructed and designed for this operation, and further in conformity with this Code of Ordinances.

SEC. 13-1-171 SALE OF PROPERTIES; RIGHT OF FIRST REFUSAL.

- (a) It being contrary to the intent of the City that lands in this subdivision be purchased or held for speculative purposes, it is hereby provided that the owner of any vacant land in any subdivision who elects to sell any portion thereof which is not being utilized in connection with the business or industry of the owner, the owner shall first offer the same to the City of Green Lake, in writing, at the price per acre paid for such land, together with the cost of any improvements thereon, i.e., sewer laterals, grading, etc., and any special assessments paid by the seller, together with interest at the rate of five percent (5%) per annum to the cost of such land and improvements from the date of payment thereof.
- (b) The City shall have sixty (60) days from receipt of such offer within which to notify the owner that the purchase price has been placed in escrow with the Green Lake State Bank, subject to delivery upon tender of a warranty deed supported by proof of merchantable title by either title policy or abstract continued to date.
- (c) Failure of the City to accept such offer within the sixty (60) day period shall free the owner to consummate a sale with a third person at any agreed price or terms, provided, however, that such conveyance shall be subject to the restrictive covenants running with the land herein set forth and all applicable zoning ordinances, restrictions and regulations of the City otherwise relating to the use of said premises at the time of such sale.
- (d) Anything contained to the contrary herein notwithstanding, this restriction may be modified by the Common Council by simple majority vote without requiring the approval or action of the property owners within the Green Lake Industrial Park subdivision.

SEC. 13-1-172 CITY'S RIGHT TO COMPEL MAINTENANCE.

To preserve the integrity of the subdivision and value of the property therein, the City may enter upon any premises that have been vacated or abandoned for ninety (90) days or more for the purpose of performing such maintenance as may be necessary to prevent the exterior of any buildings or grounds from deteriorating, becoming unsightly or otherwise detracting from the appearance and general character of the park. Any expense incurred by the City under this Section shall be charged against the property abandoned, and it shall be the obligation of owner, lessee or sublessee to pay such expense to the City upon written demand for payment. Any such charges remaining unpaid for a period of ninety (90) days at the time of the preparation of the next ensuing

tax roll shall be added thereon as a special assessment charge and lien against said real estate.

SEC. 13-1-173 REGULATIONS TO BE DEED RESTRICTIONS.

- (a) The restrictions set forth herein, when approved by a three-fourths (3/4) vote of all members of the Common Council of the City of Green Lake, and the executed affirmance by a majority of the then-owners of lots in said subdivision other than the City shall constitute restrictions and covenants running with the lands and shall supersede such restrictions as set forth in Volume 268 of Records on page 559 in the office of the Register of Deeds for Green Lake County, Wisconsin. These restrictions shall be applicable to all present and future owners of land within said subdivision, provided, however, that said covenants and restrictions may be modified and amended upon the recording of an instrument to that effect executed by the owners of a majority of lots in said subdivision and with the approval thereof by an ordinance adopted by a three-fourths (3/4) vote of the members of the Common Council.
- (b) In determining a majority of property owners, one (1) vote shall be counted for each acre of land according to ownership; unsold lands retained by the City shall not be included in voting.

SEC. 13-1-174 ENFORCEMENT.

The enforcement of the restrictions and covenants contained in this amended declaration of restrictions (this Article) shall be by proceedings to restrain violation thereof or to recover damages for such violations, either by the owner or owners of lots in the Green Lake Industrial Park subdivision or by the City of Green Lake, either as the owner of lots in said subdivision or as the designated agent of the then-owners of a majority of lots conveyed by the City in said subdivision.

SEC. 13-1-175 CITY'S CONTINUING INTEREST IN INDUSTRIAL PARK.

It is hereby declared the public policy of the City of Green Lake that said City has a continuing interest in the economic, environmental and aesthetic condition of the Green Lake Industrial Park and its adjacent environs and may, upon application of one (1) or more of the owners of lots in said subdivision or the public, generally take such actions as it may deem necessary to restrain any violation of these restrictions or otherwise participate in legal actions in relation thereto.

SEC. 13-1-176 PRESERVATION OF INTENDED USE.

That in order to preserve the intended character of the Industrial Park and the use thereof as a manufacturing site affording employment possibilities for citizens of this area, sale of any two-acre parcel shall be conditioned upon the purchasers commitment to:

- a. Erect and utilize a commercial (production) building thereon encompassing a minimum of 15,000 square feet of building space, and
- b. The employment of not less than ten (10) full-time yearly employees to be employed therein.

However, the Common Council by majority vote may waive the above said requirements in Section a and b above.

SEC. 13-1-177 FURTHER ENSURANCE OF INTENDED USE.

To further ensure the utilization of this property in the manner and for the purposes intended, all future conveyances of lots shall contain the following language:

- a. As to conveyance of one (1) lot or parcel, the grantee shall agree to reconvey to the City said parcel for the sum he originally paid therefore, if he has not completed construction of at least one (1) unit as above described within a ten (10) year period.
- b. As to conveyance of two (2) lots or parcels, the grantee shall agree to reconvey to the City said parcels for the sum he originally paid therefore, if he

has not completed construction of at least one (1) unit as above described within a five (5) year period.

- c. As to conveyance of three or more lots or parcels, the grantee shall agree to reconvey to the City said parcels for the sum he originally paid, therefore, if he has not completed construction of at least one (1) unit as above described within a three (3) year period.

SEC. 13-1-178 THROUGH SEC. 13-1-179 RESERVED FOR FUTURE USE.

Administration

SEC. 13-1-180 GENERAL ADMINISTRATIVE SYSTEM.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-181 ZONING ADMINISTRATOR.

The Common Council shall designate the Zoning Administrator as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter, and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administration shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- (c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (e) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the City Attorney in a manner specified by him.
- (f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (g) Request assistance and cooperation from the Police Department and City Attorney as deemed necessary.

SEC. 13-1-182 ROLE OF SPECIFIC CITY OFFICIALS IN ZONING ADMINISTRATION.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the

City to the Common Council, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Common Council, except for issuance of conditional use permits, pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.

- (b) **Common Council.** The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Council, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Common Council may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeals procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

SEC. 13-1-183 CERTIFICATE OF COMPLIANCE REQUIRED.

- (a) **Certificate Required.** No vacant land hereafter developed; no building hereafter erected, relocated, moved, reconstructed or structurally altered; and no floodlands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premise or use is in conformity with the provisions of this Chapter.
- (b) **Application for Certificate of Compliance.** Application shall be made coincidental with application for zoning and/or building permit. Application for a certificate of compliance in the floodland districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the floodland regulations set forth in this Chapter; before a certificate shall be issued, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.
- (c) **Existing Uses.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, 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 Chapter.

(d) **Nonconforming Uses.**

- (1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
- (2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as a nonconforming use.

SEC. 13-1-184 SITE PLAN APPROVAL.

(a) **Site Plan Approval.** All applications for zoning, conditional use, or occupancy permits for any new building hereafter erected, or any existing building added to, structurally altered, moved, change in use, or exterior alteration except for R1 and R2 Zoning Districts, shall require Site Plan Approval by the Plan Commission in accordance with the requirements of this Section.

(b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

(c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.

(d) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:

- (1) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or

use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

- (2) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
- (3) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.

- (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the City Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission

shall forward its recommendations to the Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.

(f) **Architectural Review Principles and Standards.**

- (1) Building Scale and Mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- (2) Building Roof Lines and Roof Shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- (3) Materials. Material selection for architectural design shall be based upon the prevailing material already in use on existing buildings in the area. No building or addition to a building shall be permitted where any exposed facade is constructed or faces with a finished material which is aesthetically incompatible with other building facades in the area and which presents an unattractive appearance to the public and surrounding properties.
- (4) Heating, Air Conditioning, and Ventilating Equipment shall be located in a manner to be unobtrusive or screened from view.
- (5) Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing neighborhood

buildings.

- (6) Topography. Buildings or changes to buildings shall maintain existing topography, drainage patterns, and vegetative cover insofar as practical.
- (7) Open Spaces. Buildings and uses shall make appropriate use of open space and the Plan Commission may require appropriate landscaping and planting screens.
- (8) Overhead Doors. Overhead doors in commercial, public, and industrial districts will preferably not face a public street.
- (9) Building Location. No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures or signs on adjoining properties.

- (g) Fee. Site Plan approval fee of \$100.00 shall accompany the application. For any application for a site plan approval, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the application. In addition to City staff involvement, the City may retain the services of professional consultants

including, but not limited to, engineers, landscape architects, architects, attorneys, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such application. Any applicant shall reimburse the City for staff time expended in the administration, investigation and processing of said proposal and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter. If the fee as set forth above does not cover this cost, the fee shall be paid by the applicant prior to final action to be taken by the City on the application. Further, if the applicant City which are not covered by the review fee, or for whatever reason the applicant owes the City fees or costs for said review, the applicant shall be responsible to pay the City for said fees or costs. If the applicant does not pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or applicant informing them of the City policy on reimbursement costs.

SEC. 13-1-185 VIOLATIONS AND PENALTIES.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Common Council, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the Common Council, the Zoning Administrator or the City Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-7 of this Code of Ordinances.

SEC. 13-1-186 THROUGH SEC. 13-1-189 RESERVED FOR FUTURE USE.

ARTICLE N

Changes and Amendments to the Zoning Code

SEC. 13-1-190 AUTHORITY.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

SEC. 13-1-191 INITIATION OF CHANGES OR AMENDMENTS.

The Common Council, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

SEC. 13-1-192 PROCEDURE FOR CHANGES OR AMENDMENTS.

- (a) **Required Information.** Petitions for any change to the

district boundaries and map(s) or amendments to the text regulations shall be addressed to the Common Council and shall be filed with the City Clerk-Treasurer, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:

- (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
- (3) Fee to the City Clerk in the amount of Four Hundred Fifty Dollars (\$450.00). For any petition, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the application. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to, engineers, landscape architects, architects, attorneys, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such petition. Any Petitioner shall reimburse the City for staff time expended in the administration, investigation and processing of said petition and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter. If the fee as set forth above does not cover this cost, the fee shall be paid by the Petitioner prior to final action to be taken by the City on the petition. Further, if the Petitioner withdraws the petition, and costs or fees are owed the City which are not covered by the review fee, or for whatever reason the Petitioner owes the City fees or costs for said review, the Petitioner shall be responsible to pay the City for said fees or costs. If the Petitioner does not pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or Petitioner, informing them of the City policy on reimbursement costs.
- (4) Together with additional information as may be required by the Plan Commission or Common Council.

- (b) **Recommendations.** The City Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Hearings.**
- (1) a. The Common Council, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes.
- b. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
- c. Written notice of the hearing shall also be sent by regular mail to the owners of land included in such proposed amendment, to owners of land immediately adjacent extending two hundred (200) feet therefrom, and to owners of the land directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite land, except in those cases in which the zoning ordinance is proposed to be changed to enact permanent zoning classifications of property

annexed to the City. In such instances, the notice
of the proposed amendments shall be provided as
required in Sec. 62.23(7)(d), Wis.
Stats.

(2) The Common Council may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.

- (d) **Council's Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Common Council shall vote on the proposed ordinance affecting the proposed change or amendment.

SEC. 13-1-193 PROTEST.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage to such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Common Council membership [provided that the street right-of-way doesn't extend more than one hundred (100) feet from the property affected by the proposed zoning change or amendment; owners outside this area shall not have standing to protest.] A protest may be filed any time after the first publication of the notice of hearing but may be filed not later than the time the Council first considers the Plan Commission's recommendation. All protests shall be filed with the City Clerk-Treasurer.
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Common Council membership to adopt such amendment.

SEC. 13-1-194 THROUGH SEC. 13-1-199 RESERVED FOR FUTURE USE.

ARTICLE O

Appeals

SEC. 13-1-200 APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of the required filing fee. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Meetings.**
 - (1) Open to Public. All meetings and hearings of the Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
 - (2) Special Meetings. Special meetings may be called by

the Chairman or by the Secretary of the Board of Appeals at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.

(3) Hearings. Hearings may be held at any regular or special meeting at the time set by the Chairman.

(4) Quorum. A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.

(d) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:

(1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector or other administrative official in the enforcement of the Zoning Code or any ordinance adopted under Sections 62.23 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.

(2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured.

(3) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

(5) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.

(6) Temporary Uses. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

(e) **Board Action.** In exercising the powers under Subsection (d), the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or

determination appealed from, and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

(f) **Voting.**

- (1) Personal Interest. No Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (2) Record of Vote. The Secretary shall record the vote of each member on every question in the minutes or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

SEC. 13-1-201 APPLICATION FOR HEARINGS.

- (a) **Time of Appeal.** Appeals shall be filed within thirty (30) days after the date of receipt of the written decision or order from which the appeal is taken by filing in duplicate a notice of appeal with the Zoning Administrator. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
- (b) **Who May Appeal.** Appeals or applications to the Board may be made by:
 - (1) The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one (1) year or more of the property for which relief is sought.
 - (2) Any officer (other than the Zoning Administrator), department, board or bureau affected by a decision or order of the Zoning Administrator.
 - (3) Any person aggrieved and whose use and enjoyment of property within the City is directly and adversely affected by a decision or order of the Building Inspector, Zoning Administrator or the requested Board action.
- (c) **Appeal and Application Forms.** Every appeal or application shall be made upon forms furnished by the Zoning Administrator which have been approved by the Board of Zoning Appeals. A scale drawing shall accompany each form showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide

all information requested on the form and any additional information requested in writing by the Chairman or Secretary of the Board of Appeals which is necessary to inform the Board of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application.

- (d) **Filing Appeal or Application.** The appellant or applicant shall file the required appeal form in duplicate with the Zoning Administrator. The Zoning Administrator shall deliver one (1) copy to the officer or body from whose decision an appeal is taken. Upon receipt of an appeal, the Zoning Administrator or other officer or body responsible for the original determination shall transmit to the Secretary of the Board of Appeals all notes or papers relating to the order or decision from which the appeal is being taken.
- (e) **Election to Have Appeal or Application Handled as a Contested Case.** The applicant or appellant may elect to have the appeal or application handled as a contested case. The appeal or application form shall explain that a contested case includes the right of all parties to cross-examine witnesses, to object to improper evidence and to have a record of the proceedings made by a court reporter or qualified stenographer or by tape recording. Election to have the matter treated as a contested case must be made in writing at the time of filing of the appeal or application.
- (f) **Fee.** All appeals and applications filed with the Zoning Administrator shall be accompanied by payment of a fee of Five Hundred Dollars (\$500.00). If the Appellant or Applicant elects the contested-case method, he or she shall also pay the amount determined by the Board of Appeals to cover the additional administrative costs involved. For any application or appeal, the City Clerk, Zoning Administrator, Building Inspector, Planner, Engineer, Attorney and other City staff, may expend time in the investigation and processing of the application. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to, engineers, landscape architects, architects, attorney, environmental specialists, recreation specialists, and other experts, in the administration, investigation and processing of such application or appeal. Any Applicant or Appellant shall reimburse the City for staff time expended in the administration, investigation and processing of said proposal and/or application and the cost to the City charged by any professional consultant retained by the City on any such matter. If the fee as set forth above does not cover this cost, the fee shall be paid by the Applicant prior to final action to be taken by the Board on the application. Further, if the Applicant withdraws the application, and costs or fees are owed the City which are not covered by the review fee, or for whatever reason the Applicant owes the City fees or costs for said review, the Applicant shall be responsible to pay the City for said fees or costs. If the Applicant does not

pay said fees or costs, the City may charge said fees or costs as an assessment against the subject property for current services provided the property. Notice shall be sent to the property owner or the representative of the property owner and/or Applicant informing them of the Board policy on reimbursement costs.

- (g) **Insufficient Notice.** No appeal or application shall be considered by the Board of Appeals unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Zoning Administrator shall supply the applicant with the proper forms which must be filed within ten (10) days, in addition to the thirty (30) days specified in Subsection (a), in order to be considered by the Board of Appeals.

SEC. 13-1-202 HEARINGS.

- (a) **Notice of Hearing.** Notice of the time, date and place of the hearing of an appeal or application shall be given in the following manner:
- (1) By mail or personal service to the appellant or applicant and to the Zoning Administrator or other administrative official or body from whose decision an appeal is taken and Secretary of the Plan Commission not less than ten (10) days prior to the date of the hearing.
 - (2) In every case involving a variance, conditional use, exception, planned unit development or public utility exception, the City Clerk-Treasurer shall mail notice to the owners of record of all land within the area included in the application and within one hundred (100) feet of any part of the building or premises affected not less than ten (10) days prior to the hearing. Names and last-known addresses of such owners shall be furnished by the applicant at the time of filing the appeal or application.
 - (3) By publication of a Class 2 notice under Chapter 985, Wis. Stats.
 - (4) Notice of an application for construction of a building in the bed of a future street, highway or parkway shall be published in the official newspaper not less than fifteen (15) days prior to the hearing.
 - (5) Notice of an application for a proposed special exception in a shoreland/wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing.
- (b) **Time of Hearing, Docketing.** Each appeal or application properly filed shall be numbered serially, docketed in a special book provided therefor and placed upon the calendar by the Secretary of the Board of Appeals. Cases docketed more than fifteen (15) days preceding a regular meeting shall be set for hearing at such meeting. Cases docketed seven (7) days or less prior to a regular meeting shall be scheduled by the Secretary, or his designee, for a hearing on the second regular meeting day thereafter unless otherwise directed by the Chairman.
- (c) **Appearances.** The appellant or applicant may appear in person

or by his agent or attorney. In the absence of an appearance for or against an appeal or application, the Board of Appeals may dismiss the appeal or application or may dispose of the matter on the record before it.

- (d) **Oath.** Unless waived by the appellant or applicant and the Chairman, all witnesses shall be sworn before testifying by the Chairman or presiding officer.
- (e) **Compelling Attendance of Witnesses.** The Chairman, or, in his absence, the presiding officer, may compel the attendance of witnesses by subpoena. Written request for subpoenas shall be filed with the Secretary of the Board of Appeals not less than two (2) days prior to the hearing except by special permission of the Chairman.
- (f) **Order of Hearing.** Appeals and applications shall be heard in numerical order except for good cause shown.
- (g) **Order of Business.**
 - (1) General Hearing. At the hearing, the order of business shall be as follows:
 - a. Statement of the nature of the case by the Chairman.
 - b. Appellant's side of the case.
 - c. Questions by Board members.
 - d. Zoning Administrator's side of the case.
 - e. Questions by Board members.
 - f. Statements by interested persons such as neighbors or abutting landowners.
 - g. Questions by Board members.
 - h. Appellant's or applicant's rebuttal.
 - (2) Contested Cases. If the applicant or appellant elects to have his or her appeal or application treated as a contested case, the order of business shall be as follows:
 - a. Call to order by the Chairman.
 - b. Appellant or applicant's opening statement.
 - c. Zoning Administrator's opening statement.
 - d. Opening statement of persons aggrieved and other interested parties. The right to make an opening statement is limited to persons who will present evidence.
 - e. Applicant's or appellant's case-in-chief.
 - f. Questions by Board members.
 - g. Cross-examination. No more than one (1) person for each party shall cross-examine witnesses. The Chairman may limit the number of parties who may cross-examine.
 - h. Zoning Administrator's case-in-chief.
 - i. Questions by Board members.
 - j. Cross-examination as under (2)g.
 - k. Case-in-chief of other parties.
 - l. Questions by Board members.
 - m. Cross-examination under (2)g.
 - n. Rebuttal by appellant or applicant. Rebuttal is limited to matters raised by the adverse parties by way of evidence or argument.
 - o. Statements of opinion of neighbors or abutting land owners -- not subject to cross-examination.
 - p. Closing statements of those who made or waived opening statements.

- (h) **Evidence and Official Notice.** Except in contested case hearings, written and oral testimony will be received. In contested case hearings, no hearsay evidence will be allowed or relied upon as the sole evidence of any factual determination. The Board of Appeals may take official notice of the ordinances of the City, the zoning and location of the subject property and geographical features or other facts which are common knowledge in the City or can be verified by reference to public record. In contested case hearings, all witnesses shall be sworn and no person shall be permitted to testify unless he or she submits to cross-examination. See Sec. 227.08, Wis. Stats.
- (i) **Adjournments.** When all appeals or applications cannot be disposed of on a day set, the Board of Appeals may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board of Appeals.
- (j) **Withdrawal.** An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee.

- (a) **Time of Decision.** The Board of Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter and shall notify the parties in interest and the Zoning Administrator in writing of its decision.
- (b) **Form of Decision.** The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairman and Secretary of the Board of Appeals. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the special exception, conditional use or variance.
- (c) **Basis of Decision; Findings.** At the conclusion of a hearing, the Board should reduce to writing its findings of fact and conclusions of law regarding the proper interpretation and application of the Zoning Code.
- (d) **Vote Required.** All orders or decisions of the Board of Appeals granting a variance, exception or conditional use or reversing any action or order of the Administrator requires the affirmative vote of four (4) members. Whenever only four (4) members of the Board are present and the vote stands three (3) to one (1) in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.
- (e) **Conditions.** Variances or conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in the building, conditional use or occupancy permit issued under that order by the Zoning Administrator. A permit shall be valid only as long as the conditions upon which it is granted are observed.

Whenever the Board grants an application or appeal affecting the use of any premises, such authorization shall be deemed revoked unless the owner, occupant or his agent shall, upon request, file with the Board Secretary a written report certifying that all conditions or limitations imposed by the Board have been conformed to and maintained. Variances, substitutions or conditional use permits approved by the Board shall expire six (6) months after issuance if the performance of work is required and substantial work has not commenced.
- (f) **Filing of Decision.** Every order or decision of the Board of Appeals shall be immediately filed with the Secretary who shall thereupon forward the decision to the Zoning Administrator and mail a copy to the applicant or appellant. Copies of decisions granting conditional uses or variances in a floodplain, shoreland or wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.
- (g) **Reconsideration.**
 - (1) Resubmission. No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one (1) year of the Board's decision, except pursuant to court order or

by motion to reconsider made by a member voting with the majority or as provided in Subsection (g) (2) below.

(2) Rehearing. No rehearing shall be held except upon the affirmative vote of four (4) or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams.

Rehearings shall be subject to the same notice requirements as original hearings.

SEC. 13-1-204 VARIATIONS.

(a) **Purpose.**

(1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

(2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the flood protection elevation for the particular area or permit standards lower than those required by state law.

(3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

(b) **Application for Variation.** The application for variation shall be filed pursuant to Section 13-1-201.

(c) **Public Hearing of Application.** The public hearing for a variance shall be conducted pursuant to Section 13-1-202.

(d) **Prohibited Variances.** The Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not

permit variances in yard, area or other requirements of the district in which located.

- (e) **Action of the Board of Appeals; Standards.** For the Board to grant a variance, it must find that:

(1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

(2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

(4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

(5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code, specifically the standards of Sec. 13-1-66.

- (f) **Conditions.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

SEC. 13-1-205 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a 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 thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

SEC. 13-1-206 THROUGH SEC. 13-1-209 RESERVED FOR FUTURE USE.

ARTICLE P

Definitions

SEC. 13-1-210 DEFINITIONS.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.
- (1) Abutting. Have a common property line or district line.
- (2) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure. Under this Chapter an accessory building is a subordinate building, the use of which is purely incidental to the main building and has less area than seventy-five percent (75%) of the habitable area of the principal building and may or may not be detached from the principal building. Accessory buildings and private garages shall not occupy more than thirty percent (30%) of a required area for a rear yard. No accessory buildings may be constructed prior to the construction of a principal building on any premises subject to this Chapter.
- (3) Acre, Net. The actual land devoted to the land use,

excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

- (4) Advertising Sign. An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such "advertising sign" is located or to which it is affixed, but does not include those business signs, billboards, or poster panels which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
- (5) Alley. A public way which affords only a secondary means of access to abutting property.
- (6) Apartment. A dwelling unit that is part of a structure and primarily used as a home, residence or place of abode.
- (7) Apartment Hotel. A structure that contains one (1) or more apartments primarily used by the occupant(s) as a home, residence or place of abode and five (5) rooms or more where sleeping accommodations are offered for pay to transients.
- (8) Arterial Street. A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (9) Automobile Wrecking Yard. Any premise on which two (2) or more self-propelled vehicles not in running order or operating condition are stored in the open.
- (10) Basement. A portion of a building with the floor located below the mean grade level. For the purpose of this Chapter, any such basement with more than four (4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.
- (11) Billboard. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment of the property upon which it is located.
- (12) Block. A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (13) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (13-1) Boat Livery. A place where boats and/or motors owned by the livery operator are rented to the public for a fee.
- (14) Buildable Lot Area. The portion of a lot remaining after required yards have been provided.
- (15) 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. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

(16) Building, Detached. A building surrounded by open space on the same lot.

(17) Building, Heights of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

(18) Building Setback Line. A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.

(19) Building, Principal. A building in which the principal use of the lot on which it is located is conducted.

(20) Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

(21) Channel. Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

(22) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) 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. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

(23) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.

(24) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Green Lake County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

(25) Controlled Access Arterial Street. The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

(26) Corner Lot. On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street -- but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135).

(27) 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 disposition of materials.

(28) District, Basic. A part or parts of the City for which the regulations of this Chapter governing the use and location of land and building are uniform.

(29) District, Overlay. Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

(30) Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

(31) Dwelling Unit. A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family, each with its own sanitary facilities.

(32) Dwelling, Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

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

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

(35) Dwelling, Multiple-Family. A 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.

(36) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary 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.

(37) Family. The body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

(38) Farming -- General. General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

(39) Farmstead. A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

(40) Floor Area -- Business and Manufacturing Buildings. For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

(41) Foster Family Home. The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.

(42) Frontage. All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.

(43) Garage -- Private. A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

(44) Garage -- Public. Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles

(45) 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 (5) to eight (8) foster children.

(46) Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than six (6) sleeping rooms with no cooking facilities in any individual room or apartment.

(47) Institution. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(48) Junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

(49) Junkyard. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of wastewater rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

(50) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(51) Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.

(52) Lot. A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located. No land included in any street, highway, or railroad right-of-way shall be included in computing lot area.

(53) 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 one hundred thirty-five degrees (135) or less, measured on the lot side.

(54) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

(55) Lot, Through. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

(56) Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street

parking areas or other open space provisions of this Code as pertaining to the district wherein located.

- (57) Lot Coverage (residential). The area of a lot occupied by the principal building or buildings and accessory buildings.
- (58) Lot Coverage (except residential). The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (59) Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (59-1) Lot Line, Front. The lot line separating the lot from the street.
- (59-2) Lot Line, Rear. The lot line opposite the most distant from the front lot line.
- (59-3) Lot Line, Side. Any lot line that is not a front or rear lot line.
- (60) Lot Lines and Areas. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (61) Lot Width. The horizontal distance between the side lot lines measured at the building setback line.
- (61-1) Marina. A tract of land together with associated structures on the land and in the water where boat launching, mooring, boat anchoring, and/or dry land boat storage is provided to more than one boat owner for a fee or other remuneration.
- (62) Minor Structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (63) Mobile Home. A manufactured home that is **HUD** certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (64) Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (65) Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation, and other community service facilities designed for the exclusive use of park occupants.
- (66) Mobile Home Subdivision. A land subdivision, as

defined by Chapter 236 of the Wisconsin Statutes and any City Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.

(67) 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, educational or industrial purposes.

(67-1) Navigable Waters. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowage 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 bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (Muench v. Public Services Commission, 261 Wis. 492 (1952), and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975).)

Determinations of navigability are ultimately field determinations and map delineations are merely the best representation of navigable conditions at any particular time.

(68) Nonconforming Uses. Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

(69) Nursing Home. An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.

(70) Open Sales Area. Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including, but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments. No repair work is

done in such area except for incidental repair of items to be displayed and sold on the premises.

- (70-1) Ordinary High-Water Mark. The point on the bank or shore up to which the presence and action or surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (71) Outdoor Storage Areas. Any open land or area used for the purpose of storage of any product or part of a product either before, during, or after manufacture, servicing, or repair, and not displayed for retail sale. This does not include open sales areas.
- (72) Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.
- (73) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (74) Places of Assembly. Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (75) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergyman, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions, used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
- (76) Public Airport. Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (77) 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. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (77a) Reconstruct. To rebuild an existing structure by replacing more than fifty percent (50%) of that structure.
- (78) Restaurant. A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- (79) Restaurant, Drive-In. A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.
- (80) Retail. The sale of goods or merchandise in small quantities to the consumer.
- (81) Roadside Stand. A structure having a ground area of not more than three hundred (300) square feet, not

permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.

(82) Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(83) Setback. The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.

(84) Shopping Center. A concentration of retail stores and service establishments in a suburban area with generous parking space and planned to serve the community or a neighborhood.

(84-1) Shore Yard. A yard extending across the full width or depth of a lot; the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high-water mark of a pond, stream, lake or wetland nearest the principal building line parallel thereto containing the point of the principal building nearest the ordinary high-water mark.

(85) 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.

(86) Signs. Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

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

(88) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished

floor of such story. In the case of one (1) family dwellings, two (2) family dwellings, and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.

(89) Street. Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.

(90) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.

(91) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

(92) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

(93) Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

(94) Travel Trailer or Motor Home. A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation use, which does not fall within the definition of mobile or modular unit.

(95) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

(96) Use, Accessory. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

- (97) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.
- (98) Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (98a) Vacation Rentals. A building or part of a building which is provided for compensation to a transient or tourist for housing purposes for less than 28 days a month. (Tourist or Transient means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (99) Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
- (100) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (101) Zero Lot Line. The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero spaces between

- said units.
- (102) Zoning Permit. A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Chapter 2

Floodplain Zoning Code

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ARTICLE A

STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

SEC. 13-2-1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 62.23 Stats., for cities; and the requirements in s. 87.30, Stats.

SEC. 13-2-2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

SEC. 13-2-3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (h) Discourage the victimization of unwary land and homebuyers;
- (i) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (j) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

SEC. 13-2-4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Green Lake, Wisconsin.

SEC. 13-2-5 GENERAL PROVISIONS

(a) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(b) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Green Lake Floodplain Appendix. Any

change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Clerk, City of Green Lake. If more than one map or revision is referenced, the most current approved information shall apply.

1. OFFICIAL MAPS : Based on the Green Lake Flood Insurance Study (FIS), dated February 3, 2010, volume number 55047CV000A.

Green Lake County Flood Rate Map (FIRM), panel numbers 55047C0126C, 55047C0127C, 55047C0130C, 55047C0131C and 55047C0133C dated February 3, 2010, with corresponding profiles that are based on the FIS.

(c) **ESTABLISHMENT OF DISTRICTS**

The regional floodplain areas are divided into three districts as follows:

- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(d) **LOCATING FLOODPLAIN BOUNDARIES**

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs 1. or 2. below. If a significant difference exists, the map shall be amended according to Article H. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Section 13-226(c) and the criteria in 1. and 2. below.

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 13-2-30(f).

(e) **REMOVAL OF LANDS FROM FLOODPLAIN**

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article H.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(f) **COMPLIANCE**

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(g) **MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(h) **ABROGATION AND GREATER RESTRICTIONS**

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss 62.23 for cities; or s.87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(i) **INTERPRETATION**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(j) **WARNING AND DISCLAIMER OF LIABILITY**

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a

cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(k) **SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(l) **ANNEXED AREAS FOR CITIES AND VILLAGES**

The Green Lake County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(m) **GENERAL DEVELOPMENT STANDARDS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

ARTICLE B

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

SEC. 13-2-6 HYDRAULIC AND HYDROLOGIC ANALYSES

- (a) Except as allowed in par.(c) below, no floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Article H.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

SEC. 13-2-7 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

SEC. 13-2-8 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Article H.

SEC. 13-2-9 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article C or Article D for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

ARTICLE C

FLOODWAY DISTRICT (FW)

SEC. 13-2-10 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 13-2-20.

SEC. 13-2-11 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
 - they meet the standards in Section 13-2-12 and Section 13-2-13; and
 - all permits or certificates have been issued according to Section 13-2-24.
- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 13-2-12(d).
 - (d) Uses or structures accessory to open space uses, or

classified as historic structures that comply with Section 13-2-12 and Section 13-2-13.

- (e) Extraction of sand, gravel or other materials that comply with Section 13-2-12(d).
- (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
- (g) Public utilities, streets and bridges that comply with Section 13-2-12(c).

SEC. 13-2-12 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(a) GENERAL

- (1) Any development in floodway areas shall comply with Article B and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to Section 13-2-6:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. 2. above.

(b) STRUCTURES

Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) The structure is not designed for human habitation and does not have a high flood damage potential.
- (2) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
- (3) The structures are properly anchored to prevent them from floating away and restricting bridge

- openings or other restricted sections of the stream or river; and
- (4) The structures have all service facilities at or above the flood protection elevation.
- (c) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Section 13-2-6.
- (d) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Section 13-2-6 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.

SEC. 13-2-13 PROHIBITED USES

All uses not listed as permitted uses in Section 13-2-11 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
- (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;

- (g) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE D

FLOODFRINGE DISTRICT (FF)

SEC. 13-2-14 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 13-2-20.

SEC. 13-2-15 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in Section 13-2-16 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 13-2-24 have been issued.

SEC. 13-2-16 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

Section 13-2-6 shall apply in addition to the following requirements according to the use requested.

(a) **RESIDENTIAL USE**

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. 4.
 - (4) In developments where existing street or sewer line elevations make compliance with par. 3. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (b) ACCESSORY STRUCTURES OR USES
- (1) Except as provided in par. 2. An accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the Regional Flood Elevation.
 - (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation provided that it is subject to flood velocities of no more than two feet per second and that it meets all of the provisions of Section 13-2-12(b) (1), (2), (3), (4) and Section 13-2-16(e) below.
- (c) COMMERCIAL USES
- Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Section 13-2-16(a). Subject to the requirements of sub. (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (d) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Section 13-2-28. Subject to the requirements of sub. (e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or flood proofed in compliance with Section 13-2-28. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with Section 13-2-28 to the flood protection elevation;

(2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed withstand flood forces to the regional flood elevation.

(g) SEWAGE SYSTEMS

All on-site sewage disposal systems shall be floodproofed, pursuant to Section 13-2-28, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(h) WELLS

All wells shall be floodproofed, pursuant to Section 13-2-28, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(i) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(k) MANUFACTURED HOMES

(1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. have the lowest floor elevated to the flood protection elevation; and
 - b. be anchored so they do not float, collapse or move laterally during a flood.
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in Section 13-2-16(a).

(1) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Section 13-2-16(k)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE E

GENERAL FLOODPLAIN DISTRICT (GFP)

SEC. 13-2-17 APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

SEC. 13-2-18 PERMITTED USES

Pursuant to Section 13-2-20, it shall be determined whether the proposed use is located within a floodway or flood fringe area.

Those uses permitted in floodway (Section 13-2-11) and flood fringe areas (Section 13-2-15) are allowed within the general floodplain district, according to the standards of Section 13-2-19, provided that all permits or certificates required under Section 13-2-24 have been issued.

SEC. 13-2-19 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Article C applies to floodway areas, Article D applies to flood fringe areas. The rest of this ordinance applies to either district.

SEC. 13-2-20 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

- (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (4) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (c) Transmit one copy of the information described in pars. (a) and (b) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 13-2-24(b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

ARTICLE F

NONCONFORMING USES

SEC. 13-2-21 GENERAL

(a) **APPLICABILITY**

If these standards conform with s. 62.23(7)(h), Stats., for cities, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure equals or exceeds 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently

changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 13-2-16(a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (5) 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

2. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

- (6) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Section 13-2-12(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 13-2-28 are used.

SEC. 13-2-22 FLOODWAY AREAS

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of Section 13-2-21;
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-28, by means other than the use of fill, to the flood protection elevation.

- (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

SEC. 13-2-23 FLOODFRINGE AREAS

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or flood proofed to the flood protection elevation in compliance with the standards for that particular use in Section 13-2-16, except where Section 13-2-23(b) is applicable.
- (b) Where compliance with the provisions of par. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in Section 13-2-26, may grant a variance from those provisions of par. (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two feet;
 - (5) Flood velocities will not exceed two feet per second; and
 - (6) The structure will not be used for storage of materials as described in Section 13-2-16(f).
- (c) If neither the provisions of par. (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed 60 square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE G

ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss 62.23(7), Stats., these officials shall also administer this ordinance.

SEC. 13-2-24 ZONING ADMINISTRATOR

- (a) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
 - (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;

- b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - d. All substantial damage assessment reports for floodplain structures.
- (5) Submit copies of the following items to the Department Regional office:
- a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Note: information on conducting substantial damage assessments is available on the DNR website <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

- (6) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(b) LAND USE PERMIT

A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(1) GENERAL INFORMATION

- a. Name and address of the applicant, property owner and contractor;
- b. Legal description, proposed use, and whether it is new construction or a modification;

(2) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary high water mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- h. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Article C or Article D are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 13-2-6. This may include any of the information noted in Section 13-2-12(a).

(3) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

(i) An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

(ii) A map showing location and details of vehicular access to lands outside the floodplain; and

(iii) A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(4) EXPIRATION

All permits issued under the authority of this ordinance shall expire 1 year after issuance.

(c) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(2) Application for such certificate shall be concurrent with the application for a permit;

- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 13-2-28.

(d) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

SEC. 13-2-25 ZONING AGENCY

(a) The Plan Commission shall:

- (1) oversee the functions of the office of the zoning administrator; and
- (2) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

(b) This Plan Commission shall not

- (1) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- (2) amend the text or zoning maps in place of official action by the Governing body.

SEC. 13-2-26 BOARD OF APPEALS

The Board of Appeals, created under s. 62.23(7)(e), Stats., for cities, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(a) POWERS AND DUTIES

The Board of Appeals shall:

- (1) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (2) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (3) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(b) APPEALS TO THE BOARD

- (1) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(2) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

a. Notice - The board shall:

- (i) Fix a reasonable time for the hearing;
- (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
- (iii) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

b. Hearing - Any party may appear in person or by agent. The board shall:

- (i) Resolve boundary disputes according to Section 13-2-26(c).
- (ii) Decide variance applications according to Section 13-2-26(d).

(iii) Decide appeals of permit denials according to Section 13-2-27.

(3) DECISION: The final decision regarding the appeal or variance application shall:

- a. Be made within a reasonable time;
- b. Be sent to the Department Regional office within 10 days of the decision;
- c. Be a written determination signed by the chairman or secretary of the Board;
- d. State the specific facts which are the basis for the Board's decision;
- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
- f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article H.

(d) VARIANCE

- (1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in Section 13-2-3.
- (2) In addition to the criteria in par. 1., to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.

- c. Be granted for a hardship which is self-created.
- d. Damage the rights or property values of other persons in the area.
- e. Allow actions without the amendments to this ordinance or map(s) required in Section 13-2-30.
- f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

- (4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

SEC. 13-2-27 TO REVIEW APPEALS OF PERMIT DENIALS

- (a) The Board shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 13-2-24(b).
 - (2) Floodway/floodfringe determination data in Section 13-2-20.
 - (3) Data listed in Section 13-2-12(a)(2). where the applicant has not submitted this information to the zoning administrator.
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of Section 13-2-26;
 - (2) Consider zoning agency recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:

- (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
- (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

SEC. 13-2-28 FLOODPROOFING

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.

- (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

SEC. 13-2-29 PUBLIC INFORMATION

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) All real estate transfers should show what floodplain zoning district any real property is in.

ARTICLE H

AMENDMENTS

SEC. 13-2-30 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (e) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA website - www.fema.gov -- for the map change fee schedule.

SEC. 13-2-31 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by Section 13-2-20 and Section 13-2-24(b).

- (a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public

hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.

- (b) No amendments shall become effective until reviewed and approved by the Department.
- (c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (d) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See Section 13-2-5(d).)

ARTICLE I

ENFORCEMENT AND PENALTIES

SEC. 13-2-32 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$ 10.00 and not more than \$5,000.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

ARTICLE J

DEFINITIONS

SEC. 13-2-33 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- (a) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (b) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- (c) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (d) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- (e) "BUILDING" - See STRUCTURE.
- (f) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (g) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of

providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

- (h) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- (i) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- (j) "CHANNEL" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (k) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- (l) "DECK" - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (m) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- (n) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (o) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above

regional flood elevation and wide enough for wheeled rescue and relief vehicles.

- (p) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- (q) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- (r) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- (s) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- (t) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (u) "FLOOD" or "FLOODING" - A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - (1) The overflow or rise of inland waters,
 - (2) The rapid accumulation or runoff of surface waters from any source,
 - (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

- (v) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (w) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (x) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (y) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (z) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (aa) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (bb) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (cc) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

- (dd) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (ee) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- (ff) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (gg) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (hh) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (ii) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- (jj) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (kk) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (ll) "HISTORIC STRUCTURE" - Any structure that is either:
 - (1) 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,

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (mm) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on 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.
- (nn) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- (oo) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (pp) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including

park model homes, do not fall within the definition of "mobile recreational vehicles."

- (qq) "MUNICIPALITY" or "MUNICIPAL" - The city governmental unit enacting, administering and enforcing this zoning ordinance.
- (rr) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- (ss) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (tt) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.
- (uu) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (vv) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (ww) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 13-2-5(b), which has been approved by the Department and FEMA.
- (xx) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.

- (yy) "ORDINARY HIGHWATER MARK" - The point on the bank or shore 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.
- (zz) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (aaa) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, 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.
- (bbb) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (ccc) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (ddd) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (eee) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it

include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (fff) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (ggg) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
- (hhh) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- (iii) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were 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.
- (jjj) "VARIANCE" - An authorization by the board of appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (kkk) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

- (lll) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
- (mmm) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (nnn) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

ARTICLE C

Shoreland-Wetland Zoning District

SEC. 13-2-20 DISTRICT BOUNDARIES OF SHORELAND-WETLANDS.

- (a) The shoreland-wetland zoning district includes all wetlands in the City of Green Lake which are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-2-19 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Green Lake County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been made a part of this Chapter in Section 13-2-14.
 - (2) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater.

Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-2-14. Floodplain zoning maps adopted in Section 13-2-14 shall be used to determine the extent of floodplain areas.
- (b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highwater mark.
- (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine

if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

- (d) Under Sec. 144.26(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under the Wisconsin Statutes (Sec. 61.351 for villages or 62.231 for cities) and Chapter NR 117, Wis. Adm. Code, do 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 the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) Such lands are maintained in nonstructural agricultural use.

SEC. 13-2-21 PERMITTED USES IN SHORELAND-WETLANDS.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) 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;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, included limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of

growing and harvesting cranberries;

(3) The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20. Wis. Stats., to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible.

(4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.

(5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.

(6) 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 the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-2-23(a) of this Chapter; and

(7) The maintenance, repair, replacement and construction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:

(1) 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 this Section provided:

- a. The road cannot, as a practical matter, be located outside the wetland;
- b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a);
- 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.

(2) The construction and maintenance of nonresidential buildings provided that:

- a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other

- wetland or aquatic animals;
- b. The building cannot, as a practical matter, be located outside the wetland;
- c. The building does not exceed five hundred (500) square feet in floor area; and
- d. Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose.
- b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed.
- c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) above; and
- d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines and related facilities and the construction and maintenance of railroad lines provided that:

- a. The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-2-23(a).

SEC. 13-2-22 PROHIBITED USES IN SHORELAND-WETLANDS.

- (a) Any use not listed in Section 13-2-21 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-2-23 and Article J.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

SEC. 13-2-23 REZONING SHORELAND-WETLANDS.

- (a) Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in Section 13-2-14 pursuant to procedures established in Article J. In order to insure that any amendment will be consistent with the shoreland protection objectives of Sec. 144.26, Wis. Stats., the municipality shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity.
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types of habitat of endangered species.
- (b) Upon notification of a proposed amendment as required by Article J, if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (a), the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
- (c) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (a), that proposed amendment, if approved by the City, shall not become effective until more than thirty (30) days have elapsed since written notice of the Board approval was

mailed to the Department, as required by Article J. If, within the thirty (30) day period, the Department notifies the Common Council that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality under Sections 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the Common Council decision on the proposed amendment shall advise the petitioner of the provisions of this Section.

SEC. 13-2-24 THROUGH SEC. 13-2-29 RESERVED FOR FUTURE USE.

ARTICLE D

General Provisions for All Floodplains

SEC. 13-2-30 AREAS TO BE REGULATED.

Areas regulated by this Chapter include all lands within the corporate limits of the City of Green Lake that would be inundated by the "regional flood" defined in the Definitions, Section 13-2-110(a) of this Chapter, and include "floodplain islands" where emergency rescue and relief routes would be inundated by the regional flood.

SEC. 13-2-31 DISTRICT BOUNDARIES.

The regional floodplain areas within the jurisdiction of this Chapter are hereby divided into three districts: the Floodway District (FW), Flood Fringe District (FF) and General Floodplain District (GFP), defined as follows:

- (a) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional flood waters.
- (b) The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It encompasses both the Floodway and Flood Fringe Districts.

SEC. 13-2-32 LOCATING FLOODPLAIN BOUNDARIES.

- (a) Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official floodplain

zoning map and actual field conditions, the location of the district boundary line shall be initially determined by the Zoning Administrator using the criteria set forth in Subsections (b) or (c) below. Where the Zoning Administrator finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Section 13-2-38 and Article J. Disputes between the Zoning Administrator and an applicant on the location of the district boundary line shall be settled according to Section 13-2-83.

- (b) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood.

Where a discrepancy exists between the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this Section within a reasonable period of time.

- (c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

SEC. 13-2-33 REMOVAL OF LANDS FROM FLOODPLAIN.

Compliance with the provisions of this Chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district and the map is amended pursuant to Article J. To remove the land from flood insurance requirements, FEMA must first revise the flood insurance rate map or issue a letter of map amendment or revision.

SEC. 13-2-34 HYDRAULIC AND HYDROLOGIC ANALYSES.

- (a) No development, except as provided in Subsection (b) below, shall be allowed in floodplain areas which will:
 - (1) Cause an obstruction to flow, defined in Section 13-2-110(a) as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or
 - (2) Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot.
- (b) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Section 13-2-38 and Article J, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.
- (c) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

SEC. 13-2-35 MOBILE HOMES AND MANUFACTURED HOMES.

- (a) Owners or operators of all manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage.
- (b) All new, replacement or substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:
 - (1) Be elevated to the flood protection elevation;
 - (2) Meet the residential development standards for the flood fringe in Section 13-2-52(b); and
 - (3) Be anchored so that they do not float, collapse or move laterally during a flood.

SEC. 13-2-36 WATERCOURSE ALTERATIONS.

Prior to any alteration or relocation of a watercourse and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Zoning Administrator shall notify, in writing, adjacent municipalities,

the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

SEC. 13-2-37 FLOODPROOFING.

- (a) Where floodproofing measures are required, they shall be designed to:
 - (1) Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood; and
 - (2) Assure protection to the flood protection elevation; and
 - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - (4) Shall insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to the flood protection elevation.
- (b) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation for the particular area.
- (c) Floodproofing measures could include:
 - (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
 - (2) Addition of mass or weight to structures to prevent flotation;
 - (3) Placement of essential utilities above the flood protection elevation;
 - (4) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
 - (5) Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into such systems;
 - (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains.

SEC. 13-2-38 AMENDMENTS.

- (a) When amendments are required, the procedures in Article J shall apply. Actions which require an amendment include, but are not limited to, the following:
 - (1) Any change to the official floodplain map including the

- floodway line or boundary of the floodplain area;
- (2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
 - (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (4) Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood; and
 - (5) Any upgrading of floodplain zoning ordinances required by NR 116.05, Wis. Adm. Code., or otherwise required by law, or for changes by a municipality.
- (b) No amendment to the maps or text of this Chapter shall become effective until reviewed and approved by the Department of Natural Resources.
- (c) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easement, or other appropriate legal arrangements, from all affected local units of government and property owners before the City may approve an amendment which would result in such an increase to the regional flood elevation.
- (d) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the City shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information.

SEC. 13-2-39 SUBDIVISIONS.

For all subdivision proposals, as "subdivision" is defined in Sec. 236.02(8), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost of the proposed development exceeds Seventy-five Thousand Dollars (\$75,000.00), 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.

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 Department of Natural Resources' District office for a determination of the flood protection elevations and for an elevation 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 applicant shall provide all data and calculations for any development which would require an amendment to the district boundaries or regional flood profiles.

ARTICLE E

Floodway District (FW)

SEC. 13-2-40 APPLICABILITY.

The provisions of this Article shall apply to all areas mapped as floodway on the official floodplain zoning maps and to those portions of the General Floodplain District determined to be floodway.

SEC. 13-2-41 PERMITTED USES.

The following open space uses are permitted within the Floodway District and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other ordinance and provided further that they meet all of the standards contained in Section 13-2-42, and all permits or certificates have been issued:

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.
- (c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding

- trails.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions of Sections 13-2-42 and 13-2-43.
 - (e) Extraction of sand, gravel or other materials pursuant to Section 13-2-42(d).
 - (f) Docks, piers or wharves, including docks, piers or wharves used as part of a marina, and other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges, according to Section 13-2-42(c).

SEC. 13-2-42 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.

(a) **General Requirements.**

- (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Article D; and
 - b. Have a low flood damage potential.
- (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Section 13-2-34:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application where there is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 13-2-42(a)(2) above.

(b) **Structures.** Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:

- (1) The structures are not designed for human habitation;
- (2) The structures are designed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
- (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other

- restricted sections of the stream or river; and
 - (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for that particular area.
- (c) **Utilities.** Public utilities, streets and bridges provided that:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation;
 - (2) Construction does not cause an increase in the regional flood height according to Section 13-2-34, except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulted from such construction.
- (d) **Fills.** Fills or deposition of materials may be permitted provided that:
 - (1) The requirements of Section 13-2-34 are met;
 - (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that
 - (4) Such fills are not associated with private or public solid waste disposal.

SEC. 13-2-43 PROHIBITED USES.

All uses not listed as permitted uses in Section 13-2-41 are prohibited, in addition to the following uses which are always prohibited, in floodways and the floodway portions of the general floodplain:

- (a) The storage of any materials that are capable of floating, flammable, explosive or injurious to property water quality or human, animal, plant, fish or other aquatic life;
- (b) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (c) All private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and Chapter ILHR 83, Wisconsin Administrative Code;
- (d) All public or private wells which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local

- ordinances and Chapter NR 111 and NR 112, Wis. Adm. Code.
- (e) All solid and hazardous waste disposal sites, whether public or private.
 - (f) All wastewater treatment ponds or facilities except those permitted under Sec. NR 110.15(3) (b), Wis. Adm. Code.
 - (g) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

SEC. 13-2-44 THROUGH SEC. 13-2-49 RESERVED FOR FUTURE USE.

ARTICLE F

Flood Fringe District (FF)

SEC. 13-2-50 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Flood Fringe District, as shown on the official floodplain zoning maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area.

SEC. 13-2-51 PERMITTED USES.

Any structures, land use or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Article D and Section 13-2-52 are met, that the use is not prohibited by this or any other ordinance or any other local, state or federal regulation and that all permits or certificates required by this Chapter have been issued.

SEC. 13-2-52 STANDARDS FOR DEVELOPMENT IN FLOOD FRINGE AREAS.

- (a) **Standards.** All of the provisions of Article D shall apply hereto:

(b) **Residential Uses.** Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet or exceed the following standards:

(1) The elevation of the lowest flood excluding the basement or crawlway shall be at or above the flood protection elevation (which is a point two [2] feet above the the regional flood elevation) except where Subsection (2) below is applicable. The fill elevation shall be (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Appeals grants a variance due to dimensional restrictions.

(2) The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

(3) Contiguous dryland access, defined in Section 13-2-110, as a vehicle access route above regional flood elevation shall be provided from a structure or building to land which is outside of the floodplain, except as provided in Subsection (4).

(4) In existing developments where existing streets or sewer lines are at elevations which make compliance with Subsection (3) impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

a. The City has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or

b. The City has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.

(c) **Accessory Structures or Uses.** An accessory structure or use (not connected to a principal structure, including nonresidential agricultural structures), shall meet all the applicable provisions of Section 13-2-42(a), (b) and (d) and 13-2-43. A lesser degree of protection, compatible with these criteria and the criteria in Subsection (d) may be permissible for an accessory structure or use providing that the site is not inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood.

- (d) **Commercial Uses.** Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of Section 13-2-52(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.
- (e) **Manufacturing, Agricultural and Industrial Uses.** Any manufacturing, agricultural or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate floodproofing measures in accordance with Section 13-2-37, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections (d) and (f) may be permissible for storage yards, parking lots and accessory structures or uses.
- (f) **Storage or Processing of Materials.** The storage or processing of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to property, water quality or human, animal, fish plant or aquatic life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Section 13-2-37. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.
- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and
- (1) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 13-2-37 to the flood protection elevation;
 - (2) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

- (h) **Sewerage Systems.** All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Chapter ILHR 83, Wisconsin Administrative Code.
- (i) **Wells.** All wells, whether public or private, shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of Chapters NR 111 and NR 112, Wis. Adm. Code.
- (j) **Solid Waste Disposal Sites.** All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe areas.
- (k) **Deposition of Materials.** Any materials deposited for any purpose may only be allowed if all the provisions of this Chapter are met.

SEC. 13-2-53 THROUGH SEC. 13-2-59 RESERVED FOR FUTURE USE.

ARTICLE G

General Floodplain District (GFP)

SEC. 13-2-60 APPLICABILITY.

The provisions for this district shall apply to all floodplains in the City for which "regional flood" data, as defined in the Definitions, Section 13-2-110(a) is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe or Floodway District, as appropriate.

SEC. 13-2-61 PERMITTED USES.

The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 13-2-63 to determine whether the proposed use is located within a floodway or flood fringe area. Those uses

permitted in floodways and flood fringe areas are allowed within the general floodplain district according to the standards of Section 13-2-62 and provided that all permits or certificates required under this Chapter have been issued.

SEC. 13-2-62 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.

Once it is determined according to Section 13-2-63 that a proposed use is located within a floodway, the provisions of Article E shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Article F shall apply.

All provisions of the remainder of this Chapter apply to either district.

SEC. 13-2-63 DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:
 - (1) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development and all historic high-water information.
 - (2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.

- (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department District office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 13-2-81(a)(3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

SEC. 13-2-64 THROUGH SEC. 13-2-69 RESERVED FOR FUTURE USE.

ARTICLE H

Nonconforming Uses

SEC. 13-2-70 NONCONFORMING STRUCTURES AND USES -- GENERAL PROVISIONS.

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

- (a) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.

- (b) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sec. 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter.
However, such nonconforming use may not be extended or increased.
- (c) The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (d) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

SEC. 13-2-71 SHORELAND-WETLANDS; NONCONFORMING STRUCTURES.

Notwithstanding Sec. 62.23(7)(h), Wis. Stats., the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure or any environmental control facility related to a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Chapter adopted under Sec. 61.351, Wis. Stats., is permitted under Sec. 61.351(5), Wis. Stats.

SEC. 13-2-72 FLOODPLAINS -- GENERAL PROVISIONS.

- (a) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of the floodplain it occupies. For the purpose of this Section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components, and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
- (b) No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would exceed fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter and contiguous dry land access is provided in compliance with Section 13-2-52(b).
- (c) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the

floodplain, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value and the cost of those additions or modifications which have been permitted.

- (d) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the provisions of Article E are met. For the purpose of this Subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty percent (50%) of the present equalized assessed value of the structure.

SEC. 13-2-73 FLOODWAY AREAS.

- (a) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance; and
 - (2) Meets the requirements of Section 13-2-72; and
 - (3) Will not increase the obstruction to flood flows; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-37, by means other than the use of fill, to the flood protection elevation.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area.

Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable provisions of local ordinances and Chapter ILHR 83, Wis. Adm. Code.
- (c) No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable provisions of all municipal ordinances and Chapters NR 111 and NR 112, Wis. Adm. Code.

SEC. 13-2-74 FLOOD FRINGE AREAS.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, except where Subsection (b) is applicable, the modification or addition shall be placed on fill or is floodproofed to the flood protection elevation in compliance

with the applicable regulations for that particular use in a floodfringe area in Article F.

- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be either used for human habitation or to be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 13-2-83, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (2) Human lives are not endangered;
- (3) Public facilities, such as water or sewer, will not be installed;
- (4) Flood depths will not exceed two (2) feet;
- (5) Flood velocities will not exceed two (2) feet per second; and
- (6) The structure will not be used for storage of materials that are buoyant, flammable, explosive or injurious to human, animal, plant, fish or other aquatic life.

- (c) An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe on a one (1) time basis only, if the addition:

- (1) Meets all other regulations and will not be granted by permit or variance;
- (2) Does not exceed existing sixty (60) square feet in area; and
- (3) In combination with other previous modifications or additions to the building, does not exceed fifty percent (50%) of the present equalized assessed value of the building.

- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system in a flood fringe area shall meet all the applicable provisions of all local ordinances of Chapter ILHR 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and Ch. NR 111 and NR 112, Wis. Adm. Code.

SEC. 13-2-75 THROUGH SEC. 13-2-79 RESERVED FOR FUTURE USE.

ARTICLE I

Administration

SEC. 13-2-80 ZONING ADMINISTRATOR.

The Zoning Administrator is hereby authorized to administer the provisions of this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter, assist them in preparing permit applications and appeals and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with

- this Chapter and issue Certificates of Compliance when appropriate.
- (c) Keep records of all official actions such as
 - (1) All permits issued.
 - (2) Inspections made.
 - (3) Work approved.
 - (4) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (5) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - (d) Submit copies of the following items to the Department district office:
 - (1) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (2) Copies of any case-by-case analyses and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken.
 - (e) Investigate, prepare reports and report violations of this Chapter to the Plan Commission and to the City Attorney for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.
 - (f) Submit copies of map and text amendments and biennial reports to the Regional Office of FEMA.
 - (g) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

SEC. 13-2-81 ADMINISTRATIVE PROCEDURES.

- (a) **Building/Zoning Permits.** Unless another section of this Chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the Zoning Administrator before any development, as defined in Section 13-2-110, including any change in the use of an existing building or structure is initiated.

Application for a land use permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

 - (1) General Information:
 - a. Name and address of the applicant, property owner and contractor/builder.
 - b. Legal description of the property, type of proposed use and an indication as to whether new construction or a modification to an existing structure is involved.
 - (2) Site Development Plan: The site development plan shall be drawn to scale and submitted as a part of the permit

application form and shall contain the following information:

- a. Location, dimensions, area and elevation of the lot;
- b. Location and boundaries of wetlands;
- c. Specifications and dimensions for areas of proposed wetland alteration;
- d. Existing and proposed topographic and drainage features and vegetative cover;
- e. Location of the ordinary highwater mark of any abutting navigable waterways;
- f. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
- g. Location of any existing or proposed on-site sewage systems or private water supply systems;
- h. Location and elevation of existing or future access roads;
- i. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
- j. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
- k. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of Article D are met. This may include any of the information noted in Section 13-2-63.

(3) Data Requirements to Analyze Developments:

- a. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The applicant shall provide:

1. Regional flood elevation data.
2. Vehicular access to lands outside the floodplain.
3. Adequate surface drainage to minimize flood damage.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing and similar items reasonably applied to the overall development costs, but need not include land costs.

- b. The Department will determine elevations and

evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The City may transmit additional information, such as the date in Section 13-2-63 where appropriate, to the Department with the request for analysis.

(4) Expiration: All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

(b) **Certificate of Compliance.**

(1) No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no building, zoning or conditional use permit is required, subject to the following provisions:

- a. The certificate of compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this Chapter.
- b. Application of such certificate shall be concurrent with the application for a permit.
- c. The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this Chapter.
- d. For floodplain development, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required floodproofing. Floodproofing adequacy may also be certificated by a registered professional architect.

(2) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof according to rules and regulations established by the City.

(3) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of this Chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

(c) **Other Permits.** It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the

SEC. 13-2-82 FEES.

The Common Council may, by resolution, adopt fees for the following:

- (a) Building zoning permits.
- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.

SEC. 13-2-83 BOARD OF APPEALS.

- (a) **Statutory Authorization.** The Mayor shall appoint a Board of Appeals under Sec. 62.23(7)(e), Wis. Stats., and Title 2 of this Code of Ordinances, consisting of five (5) members subject to confirmation by the Common Council. The Board of Appeals shall adopt rules for the conduct of their business as required by Sec. 62.23(7)(e), Wis. Stats.
- (b) **Powers and Duties.** The Board of Appeals shall:
 - (1) Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) Conditional Uses. Hear and decide applications for any conditional use permits required by this Chapter.
 - (3) Variances. Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer.
Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the reasons for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.
- (d) **Notice and Hearing for Appeals Including Variances.**
 - (1) Notice. The Board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate Class 1 notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - (2) Decision. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on variances, conditional uses and appeals for map or test interpretations shall be

submitted to the appropriate district office of the Department within ten (10) days after they are granted or denied. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Appeals. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

- (e) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:

(1) Where a floodplain district boundary is established by approximate or detailed floodplain studies the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.

(2) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.

(3) Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the planning agency or the person contesting the location of the boundary to petition the governing body for a map amendment.

- (f) **Variance.**

(1) The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:

a. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant.

b. The hardship is due to adoption of this Chapter and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);

c. Such variance is not contrary to the public interest;

(2) A variance shall not:

a. Grant or increase any use of property prohibited in the zoning district;

b. Be granted for a hardship based solely on an economic gain or loss;

c. Be granted for a hardship which is self-created;

d. Damage the rights or property values of other

- persons in the area;
- e. Permit a lower degree of flood protection in any floodplain area than the flood protection elevation.
In the floodfringe area, a lower degree of flood protection than the flood protection elevation may only be allowed pursuant to Section 13-2-74.
- f. Allow development below the regional flood elevation;
- (g) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

SEC. 13-2-84 CONDITIONAL USE PERMITS.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures in Section 13-2-83(d). 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 building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.
- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the permitted uses in this Chapter, the Plan Commission shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section 13-2-3. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion protection measures; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

SEC. 13-2-85 REVIEW APPEALS OF PERMIT DENIALS.

- (a) The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
 - (1) Permit application data listed in Section 13-2-81(a);
 - (2) Floodway/flood fringe determination data in Section 13-2-63;

- (3) Data listed in Section 13-2-42(a) where the applicant has not submitted this information to the Zoning Administrator.
- (4) Other data submitted to the Zoning Administrator with the permit application or submitted to the Board with the appeal.
- (b) For appeals of all denied permits, the Board shall:
 - (1) Follow the procedures of Section 13-2-83;
 - (2) Consider City Agency recommendations;
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation, the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

SEC. 13-2-86 PUBLIC INFORMATION.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

SEC. 13-2-87 THROUGH SEC. 13-2-89 RESERVED FOR FUTURE USE.

ARTICLE J

Amendments

SEC. 13-2-90 AMENDMENTS GENERALLY.

The Common Council may supplement or change the district

boundaries and the regulations contained in this Chapter according to Sec. 62.23(7)(d)(2), Wis. Stats., NR 116 and 117, Wis. Adm. Code, and the following:

- (a) The shoreland-wetland district amendment provisions of Section 13-2-23 and the floodplain district amendment provisions of Article D apply.
- (b) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency.
- (c) All proposed text and map amendments shall be referred to the City Plan Commission and a public hearing shall be held as required by Sec. 62.23(7)(d)2, Wis. Stats., following publication of a Class 2 notice as defined in Section 13-2-110. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (d) A copy of the decision on each amendment shall be provided to the Department district office within ten (10) days of the decision.

SEC. 13-2-91 THROUGH SEC. 13-2-99 RESERVED FOR FUTURE USE.

ARTICLE K

Enforcement and Penalties

SEC. 13-2-100 ENFORCEMENT AND PENALTIES.

Any development as defined in Section 13-2-110 or use established after the effective date of this Chapter in violation of this Chapter, by any person, firm, association or corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the planning agency and the City Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) per offense, together with the taxable costs of such action. Each day during within such violation exists shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City, the State or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

SEC. 13-2-101 THROUGH SEC. 13-2-109 RESERVED FOR FUTURE USE.

ARTICLE L

Definitions

SEC. 13-2-110 DEFINITIONS.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary. All distances, unless otherwise specified, shall be measured horizontally.

- (1) A Zones -- Those areas shown on a municipality's "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) Accessory Structure or Use -- A detached subordinate structure or a use which is clearly incidental to, and customarily found with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
- (3) Board of Appeals/Adjustment -- The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
- (4) Boathouse -- As defined in Sec. 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
- (5) Bulkhead Line -- A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.
- (6) Certificate of Compliance -- A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (7) Channel -- A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (8) Conditional Use -- A use which is permitted by the Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the

Board of Appeals or, where designated, the planning or zoning agency.

(9) Department -- The Wisconsin Department of Natural Resources.

(10) Development -- Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings; structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.

(11) Drainage System -- One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(12) Dryland Access -- A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(13) Encroachment -- Any fill, structure, building, use or development in the floodway.

(14) 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 and 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.

(15) Existing Mobile Home Park or Mobile Home Subdivision -- A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.

(16) Federal Emergency Management Agency (FEMA) -- The federal agency that administers the National Flood

Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).

(17) Fixed Houseboat -- As defined in Sec. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(18) Flood or Flooding -- A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

- a. The overflow or rise of inland waters;
- b. The rapid accumulation or runoff of surface waters from any source;
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(19) 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 an average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

(20) Flood Fringe -- That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.

(21) Flood Hazard Boundary Map -- A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations.

These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance program.

(22) Flood Insurance Study -- A technical engineering

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

- (23) Floodplain -- That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and general floodplain area.
- (24) Floodplain Island -- A natural geologic land formation within the floodplain that is surrounded, but not covered by floodwater during the regional flood.
- (25) Floodplain Management -- The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (26) Flood Profile -- A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (27) Floodproofing -- Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved real estate, water and sanitary facilities, structures and their contents.
- (28) Flood Protection Elevation -- An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (29) Flood Storage -- Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
- (30) Floodway -- The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (31) Floodway Encroachment Lines -- Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream.

It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.

(32) Freeboard -- Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown 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 the sedimentation of a river or stream bed.

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

(34) High Flood Damage Potential -- Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its content.

(35) Human Habitation -- A human residence or dwelling.

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

(37) Land Use -- Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

(38) Mobile Home or Manufactured Home -- A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.

(39) Municipality or Municipal -- The City governmental units enacting, administering and enforcing this floodplain Zoning Chapter.

- (40) Navigable Waters -- Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all 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 bodies of water with a bed differentiated from adjacent uplands and with levels or 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 DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975).]
- (41) NGVD or National Geodetic Vertical Datum -- Elevations referenced to mean sea level datum, 1929 adjustment.
- (42) Nonconforming Structure -- An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
- (43) Nonconforming Use -- A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (44) Obstruction to Flow -- Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (45) Official Floodplain Zoning Map -- That map, adopted and made part of this Chapter which has been approved by the Department of Natural Resources and FEMA.
- (46) Open Space Use -- Those uses having a relatively low flood damage potential and not involving structures.
- (47) Ordinary High-Water Mark -- The point on the bank or shore up to which the presence and action or 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.
- (48) Person -- An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (49) Planning Agency -- The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1), Wis. Stats., which acts on

matters pertaining to planning and zoning.

(50) 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 and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.

(51) Public Utilities -- Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(52) Regional Flood -- 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 one hundred (100) years. This means that, in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. FEMA uses the terms "base flood" which means the regional flood.

(53) Shorelands -- Lands within the following distances from the ordinary highwater 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.

(54) Shoreland-Wetland District -- The zoning district, created in this Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.

(55) Storage Capacity of a Floodplain -- The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

(56) Structure -- Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid

storage tanks, bridges, dams and culverts.

(57) Substantial Improvements -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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 a Wisconsin State Historical Society or listed on the National Register of Historic 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. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures.)

(58) Unnecessary Hardship -- Those circumstances which are 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 Chapter.

(59) 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 Chapter. A variance may not permit a use of property which is otherwise prohibited by the Chapter or allow construction not protected to the flood protection elevation.

(60) Water Surface Profile -- A graphic representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(61) Watershed -- The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

(62) Water Surface Profile -- A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(63) Well -- An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.

(64) Wetland Alteration -- Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

(65) Wetlands -- Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

CHAPTER 3

Historic Preservation Code

13-3-1	Purpose and Intent
13-3-2	Definitions
13-3-3	Historic Preservation Commission Composition
13-3-4	Historic Structure, Historic Site and Historic District Designation Criteria
13-3-5	Powers and Duties
13-3-6	Procedures
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13-3-8	Conformance with Regulations
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13-3-10	Emergency Conditions
13-3-11	Separability

SEC. 13-3-1 PURPOSE AND INTENT.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people of the City of Green Lake. The purpose of this article is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts which represent or reflect elements of the City of Green Lake's cultural, social, economic, political and architectural history.
- B. Safeguard the City of Green Lake's historic, prehistoric and cultural heritage, as embodied and reflected in such structures, sites and districts.
- C. Protect and enhance the City of Green Lake's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- D. Improve and enhance the visual and aesthetic character of the City of Green Lake thereby stabilizing and improving property values.
- E. Educate the public regarding the need and desirability of a City of Green Lake historic preservation program and enhancement of the quality of life.

SEC. 13-3-2 DEFINITIONS.

The definitions shall be as follows:

- A. Certificate of Appropriateness means the certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- B. Commission means the Historic Preservation Commission created under this section.
- C. Historic district is an area designated by the Common Council on recommendation of the Commission that contains two or more historic improvements or sites, as well as those abutting parcels which the Commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such historic structures or sites.
- D. Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated a historic site under this chapter.
- E. Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Green Lake, State of Wisconsin, or United States and which has been designated as a historic structure pursuant to the provisions of this chapter.
- F. Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including streets, sidewalks, curbs, lighting fixtures, signs and the like.

SEC. 13-3-3 RESERVED FOR FUTURE REFERENCE

SEC. 13-3-4 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC

DISTRICT DESIGNATION CRITERIA.

For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the City of Green Lake such as historic structures, sites or districts which:

- A. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- B. Are identified with historic personages or with important events in national, state or local history; or
- C. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction or indigenous materials or craftsmanship; or
- D. Are representative of a notable work of a master builder, designer or architect who influenced his age; or
- E. Have yielded, or may be likely to yield, information important to prehistory or history.

The Commission may adopt specific operating guidelines for historic structures, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

SEC. 13-3-5 POWERS AND DUTIES.

- A. **Designation.** The Commission shall have the power subject to Section 13-3-6 to designate historic structures and historic sites and recommend designation of historic districts within the City of Green Lake. Such designations shall be made based on Section 13-3-4. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provision of this ordinance.
- B. **Regulations of Construction, Reconstruction, Alteration and Demolition.**
 - 1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Unless such certificate has been granted by the Commission, the

building inspector shall not issue a permit for any such work.

2. Upon filing of an application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:

- a. In the case of designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;
- b. In the case of the construction of a new improvement upon a historic site or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this ordinance and to the objectives and design criteria of the historic preservation plan for said district;
- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Green Lake.
- e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.
- f. In the case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property; or;
- g. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self created or is the result of any failure to maintain the property in good repair.
- h. The owner of the historic property submits information that the denial of the Certificate of Appropriateness will deprive the owner of all reasonable use of, or economic return on the property.

3. In addition, in determining whether to issue a Certificate of Appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - g. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - i. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. If the Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, and within the above guidelines, it shall issue the Certificate of Appropriateness.

Upon the issuance of such Certificate, the building permit shall then be issued by the building inspector. The Commission shall make this decision within forty-five (45) days of the filing of the application.

5. All governmental units and agencies and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites and historic districts, shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and building on property easements or streets owned or franchised by the City of Green Lake.

6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other required permits and approvals. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of a Certificate of Appropriateness required for the proposed work.

Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building code of the City shall apply, unless waived by the appropriate state or city officials. The Commission may support or propose such waivers before the appropriate state or city appeals body.

7. Compliance with Certificates of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and work shall conform to the provisions of the certificate. The City of Green Lake may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

8. Ordinary maintenance and repair may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in

appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

C. Appeals.

Should the Commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Board of Appeals within thirty (30) days. In addition, if the Commission fails to issue a Certificate of Appropriateness the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

D. Recognition of Historic Structures, Sites and Districts.

At such times as a historic structure, site or district has been properly designated, the Commission in cooperation with the property owner may cause to be prepared and erected on such property a suitable plaque of uniform size and quality declaring that such property is a historic structure, site or district. Such plaque shall state the accepted name of the historic property, the date of its construction of significance and other information deemed proper by the Commission.

SEC. 13-3-6 PROCEDURES.

A. Designation of Historic Structures and Historic Sites.

1. The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section 13-3-4 above.

At least fourteen (14) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the City Clerk, who are owners of property in whole or part situated within two hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under Wisconsin Statutes.

The Commission shall also notify the Building Inspection and Zoning Department and Plan Commission. Each department may respond to the Commission with its comments on the proposed designation or rescission.

2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the

designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners.

Notifications shall also be given to the City Clerk, Building Inspection Department and Plan Commission. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds Office.

B. Designation of Historic Districts.

Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as Historic Districts and shall prepare a historic preservation plan in ordinance form for each area with technical assistance as needed. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:

- a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
- b. Is identified with historic personages or with important events in national, state, or local history; or
- c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or indigenous materials or craftsmanship; or
- d. Is representative of the notable works of master bundlers, designers, or architects who influenced their age.
- e. Has yielded or may likely to yield, information important to history or prehistory.

2. Guideline criteria to be considered in the development of Historic District plans are as follows:

- a. Regulation of construction, reconstruction, alteration and demolition shall conform to the criteria and standards in Section 13-3-5.
- b. All new structures shall be constructed to a height visually compatible with the buildings and environment with which they are visually related.

- c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
 - f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with buildings and environment with which it is visually related.
 - g. The existing rhythm created by existing building masses and spaces between them should be preserved.
 - h. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
 - i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - j. Colors and patterns used on the facade should be visually compatible with the buildings and environment with which it is visually related.
 - k. The design of the roof should be visually compatible with buildings and environment with which it is visually related.
 - l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
 - m. Architectural elements should be incorporated as necessary to relate the new with the old and preserve and enhance the inherent characteristics of the area.
3. Review and Adoption Procedure
- a. The Historic Preservation Commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the owners of record, as listed by the

City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Plan Commission and Common Council.

- b. The City Plan Commission shall review the Historic District plan and make a recommendation to the Common Council. The Plan Commission shall make its recommendation on the Historic District Plan within thirty (30) days.
- c. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission shall either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

SEC. 13-3-7 INTERIM CONTROL.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, or historic site from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eight (180) days.

SEC. 13-3-8 CONFORMANCE WITH REGULATIONS.

- A. Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The City Council designates the building inspector to enforce this ordinance.
- B. Every person in charge of an improvement on a historic

site or in a historic district shall keep in good repair all of the exterior portion of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair.

C. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district, designated under this section, any provision of the building code of General Ordinances of City of Green Lake may be varied or waived, on application, by the building inspector, provided such variance or waiver does not endanger health or safety.

The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

SEC. 13-3-9 PENALTIES FOR VIOLATIONS.

Any person or persons violating any provision of this section shall be fined per Section 1-1-7 of the Municipal Code. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien place against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

SEC. 13-3-10 EMERGENCY CONDITIONS.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or property in a historic district, the building inspector may order the remedying of these conditions without the prior approval of the commission. The building inspector shall promptly notify the commission of the action taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this ordinance and to pursue the design guidelines of the commission when remedying the emergency conditions.

SEC. 13-3-11 SEPARABILITY.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provisions to other person or circumstances shall not be affected thereby.