

TITLE 13

Zoning

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Title 13 ► 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: Sec. 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 Bloomer, 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 Bloomer, Wisconsin.

Sec. 13-1-4 Intent and Purposes.

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;

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- (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 Bloomer;
- (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 Bloomer;
- (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; Standard Industrial Classifications.

- (a) 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 Bloomer.
- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification. The SIC number is shown in [].

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 Common Council, its agencies or employees for any flood damages, 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 through Sec. 13-1-19 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-20 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 Bloomer. The provisions of this Chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this Chapter.
- (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 full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Within the City, the use of any land; the size, shape and placement of lots; the use, size, height, location and types of structures thereon; and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension 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 other structure or use.
 - (2) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.
- (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) **Relationship with Other Laws.** Where the conditions imposed by any part of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.

Sec. 13-1-21 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.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) 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 in accordance with Article E of this Chapter.
 - (3) Conditional uses authorized by the Common Council 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.
 - (4) Conditional uses authorized by the Common Council shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Common Council approval and the procedures required in Article E of this Chapter.
- (d) **Classification of Unlisted Uses.** Any use not specifically listed as a permitted use or a conditional use in the districts established in Article C shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the Zoning Board of Appeals for determination, following a recommendation from the Plan Commission, in accordance with the following procedure:
 - (1) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Zoning Board of Appeals to facilitate the determination.
 - (2) **Investigation.** The Zoning Board of Appeals shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Chapter and to recommend its classification.
 - (3) **Determination.** The determination of the Zoning Board of Appeals shall be rendered in writing within sixty (60) days from the application and shall include findings supporting the conclusion. The Zoning Board of Appeals shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one (1) or more of the districts established in Article C.
 - (4) **Effective Date of Determination.** At the time of this determination of the classification of the unlisted use by the Zoning Board of Appeals, the classification of the unlisted use shall become effective.

Sec. 13-1-22 Site Regulations.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located. (See Section 13-1-103).
- (b) **Principal Structures.** All principal structures shall be located on a lot. As a general rule, no more than one (1) principal structure shall be located on a single lot; however, in its sound discretion, the Plan Commission may permit more than one (1) principal structure per lot where more than one (1) principal structure is deemed by it to be appropriate for the orderly development of the lot in question. When additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings. The Plan Commission may permit as a planned unit development 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.** All lots shall abut a public street or approved private road or way which is constructed to applicable standards. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **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.
- (e) **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 Common Council, upon the recommendation 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.

- (f) **Decks.** For purposes of this Chapter, decks, porches and fireplace chases shall be considered a part of a building or structure.
- (g) **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.
- (h) **Obstruction of Unplatted Lands.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- (i) **Dwelling Units.** No cellar, basement or unfinished home, garage, tent, recreational vehicle, trailer or accessory building shall, at any time, be used as a dwelling unit. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the building and housing codes.
- (j) **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator. The Zoning Administrator may impose conditions on such temporary uses.
- (k) **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Board of Appeals after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the District.
- (l) **Screening Regulations.** Any use required by this Chapter to be screened in accordance with this Section shall be confined within an opaque fence or wall eight (8) feet high or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals of not more than six (6) feet located and maintained in good condition or in any way out of view of the public.
- (m) **Number of Tenants.** No owner of any dwelling shall lease or enter any lease of any one (1) dwelling unit to more than five (5) persons not related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit and using common cooking facilities, or more than ten (10) persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State Department of Health and Social Services.

Sec. 13-1-23 Modifications.

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (1) **Agricultural Structures.** Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
 - (2) **Special Structures,** such as elevator penthouses, gas tanks, grain elevators, scenery lots, 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) **Communication Structures,** such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas, are exempt from the height limitations of this Chapter. This does not include earth station dish antennas.
 - (5) **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of sixty (60) 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.
 - (6) **Architectural Projections,** such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Chapter.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
- (1) **Architectural Projections.** Chimneys, flues, sills, eaves, belt courses, ornaments, etc., may project into any required yard, but such projection shall not exceed two (2) feet.
 - (2) **Essential Services,** utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
 - (3) **Landscaping and Vegetation** are exempt from the yard requirements of this Chapter.
 - (4) **On Lots Having Double Frontage** (through lots), the required front yard shall be provided on both street sides.
- (c) **Average Building Setbacks.** In Residential and Business Districts, except for corner lots, required setbacks shall be modified in the following cases:
- (1) **Average Front Yards.** The required front yards may be decreased in any residential or business district to the average of the existing street yards of the abutting principal structures on each side. Where fifty percent (50%) or more of the frontage on a block is occupied by principal structures having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

13-1-23

- (2) **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- (d) **Corner Yards.** On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, the building width of a lot of record shall not be reduced to less than twenty-eight (28) feet nor closer than five (5) feet to any side lot line. In no case shall the side yard abutting a street be reduced to less than ten (10) feet.

Sec. 13-1-24 through Sec. 13-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Districts Established.

For the purpose and administration of this Chapter, the City of Bloomer, Wisconsin, is hereby organized into the following zoning districts:

- (a) **Residential Districts.**
 - (1) R-1 Single-Family Residence District.
 - (2) R-2 Two-Family Residence District.
 - (3) R-3 Multiple-Family Residence District.
- (b) **Commercial Districts.**
 - (1) C-1 Central Business District.
 - (2) C-2 General Commercial District.
- (c) **Industrial Districts.**
 - (1) I-1 Light Industrial District.
 - (2) I-2 Heavy Industrial District.
- (d) **PUD Planned Unit Development District.** PUD Planned Unit Development District, upon application as granted by the Common Council on a case-by-case basis in accord with Section 13-1-60.

Sec. 13-1-41 Zoning Map.

The boundaries of the aforesaid zoning districts are hereby established as shown on the "City of Bloomer Official Zoning Map". The official map and all notations, references and other information show thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. An official copy of this map, together with a copy of this Chapter, shall be kept at the office of the City Clerk-Treasurer and shall be certified by the Mayor and attested by the City Clerk-Treasurer. Any changes in zoning district boundaries shall be recorded on the map.

Sec. 13-1-42 District Boundaries.

- (a) The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- (b) Where the district boundaries are not otherwise indicated and where property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to

be lot lines, and where the designations on the map are approximately bounded by lot lines; said lot line shall be construed to be the boundary of the district.

- (c) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

Sec. 13-1-43 Zoning of Rights-of-Way.

All streets, alleys, public ways, 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 them. Where the centerline serves as a district boundary, the zoning of the right-of-way shall be deemed to be the same as that of the abutting property up to such centerline, unless otherwise specifically designated.

Sec. 13-1-44 R-1 Single-Family Residence District.

See # 02-21

for temp. buildings

Storage
containers

- (a) **Purpose.** The R-1 Single-Family Residence District is intended to provide a quiet, pleasant and relatively low density living area protected from excessive traffic and nuisances, such as gas noise, odors, vibration, and uses which are incompatible with the provisions of this Chapter for this district.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Public parks and playgrounds.
 - (3) Community living arrangement which has a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.
 - (4) Family day care home, limited to not more than eight (8) children. Family day care homes shall be subject to state licensing requirements.
 - (5) Accessory building or use, including a private detached garage or carport, and paved parking areas customarily incidental to the above uses, but not involving the conduct of a business.
- (c) **Conditional Uses.**
 - (1) Elementary, junior and senior high schools.
 - (2) Fire stations.
 - (3) Churches and cemeteries.
 - (4) Museums, libraries and community centers not conducted for profit.
 - (5) Nursing homes, homes for the elderly and hospitals.
 - (6) Golf courses.
 - (7) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.

- (8) Community living arrangements which have a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.
 - (9) Private lodges and clubs.
 - (10) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, and microwave radio towers.
- (d) **Dimensional Requirements.**
- (1) **Lot Size.**
 - a. Minimum Lot Area. Ten thousand (10,000) square feet.
 - b. Minimum Lot Width. Ninety (90) feet.
 - (2) **Setbacks and Required Yards for Principal Building.**
 - a. Minimum Front Yard. Thirty (30) feet.
 - b. Minimum Side Yard. Eight (8) feet, twenty (20) feet aggregate.
 - c. Minimum Rear Yard. Twenty-five (25) feet.
 - (3) **Setbacks and Required Yards for Accessory Buildings.** (See Article K). Side/rear yard setbacks are three (3) feet for all accessory buildings [except twenty (20) feet for garages facing an alley].
 - (4) **Maximum Building Height.**
 - a. Principal Building. Thirty-five (35) feet.
 - b. Accessory Building. Fourteen (14) feet. *See Attached 09-02*

Sec. 13-1-45 R-2 Two-Family Residence District.

- See # 02.21 for temp. bldg. / storage containers*
- (a) **Purpose.** This District is intended to provide for two-family dwellings, such as duplexes, flats or apartment conversions in large older, single-family dwellings.
 - (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
 - (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Two-family dwellings.
 - (3) Publicly owned or operated park, playground, or community buildings provided that any building shall be located not less than thirty-five (35) feet from any side lot lines.
 - (4) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department.
 - (5) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
 - (6) Signs in conformance with Article H of the Chapter.
 - (7) Parking as required in Article G of this Chapter.
 - (8) Home occupations as required in Section 13-1-92.

- (9) Day care centers limited to not more than eight (8) children, subject to state licensing requirements.
 - (10) Community living arrangement which as a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.
- (c) **Conditional Uses.**
- (1) Public and private schools, provided that any such building shall be located not less than thirty (30) feet from any side lot lines.
 - (2) Churches and other religious institutions, provided that any such building shall be located not less than thirty (30) feet from any side lot line.
 - (3) Private lodges and clubs.
 - (4) Nursing homes, homes for the elderly and hospitals.
 - (5) Public utility offices, transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, and pump houses.
 - (6) Golf courses.
 - (7) Day care centers for nine (9) or more children, subject to state licensing requirements.
 - (8) Institutions of an educational, eleemosynary or philanthropic nature, but not a penal or mental institution.
 - (9) Boarding and lodging houses.
 - (10) Community living arrangement which has a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.
- (d) **Dimensional Requirements.**
- (1) **Lot Size.**
 - a. Minimum Lot Area. Ten thousand (10,000) square feet.
 - b. Minimum Lot Width. Ninety (90) feet.
 - (2) **Setbacks.**
 - a. Minimum Front Yard. Thirty (30) feet.
 - b. Minimum Side Yard. Eight (8) feet; twenty (20) feet aggregate.
 - c. Minimum Rear Yard. Twenty-five (25) feet.
 - (3) **Setbacks and Required Yards for Accessory Building.** (See Article K). Side/rear yard setbacks are three (3) feet for all accessory buildings [except twenty (20) feet for garages facing an alley].
 - (4) **Building Size.** Minimum required floor area of principal building: One family - nine hundred (900) square feet; two family - one thousand six hundred (1,600) square feet.
 - (5) **Maximum Building Height.**
 - a. Principal Building. Thirty-five (35) feet.
 - b. Accessory Building. Fourteen (14) feet.

ORDINANCE 09-02

-To Amend §13-1-44(d)(4) b. and §13-1-45(d)(5) b.
of the City Code; Accessory Building Setbacks-

THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN AS
FOLLOWS:

Section One: That §13-1-44(d)(4) b. be amended to read:

Accessory building ~~Fourteen (14)~~ Sixteen (16) feet.

Section Two: That §13-1-45 (d)(5) b. be amended to read:

Accessory building: ~~Fourteen (14)~~ Sixteen (16) feet.

Section Three: That this ordinance shall take effect upon its adoption and publication as required
by law.

Dated this 27th day of May, 2009.

CITY OF BLOOMER

By: Janet Thur
Janet Thur, Mayor

ATTEST:

By: Sue A Stoik
Sue Stoik, City Clerk

Approved: 05-27-09
Published: 06-02-09
Adopted: 06-02-09

Sec. 13-1-46 R-3 Multiple-Family Residence District.

See # 02.21
temp. bldgs | Storage containers

- (a) **Purpose.** The R-3 Multiple-Family Residence District is intended to provide a living environment similar in all respects to the R-3 District, although with a higher population density and greater diversity of housing types.
- (b) **Permitted Uses.**
- (1) Single-family detached dwellings, including manufactured homes but excluding all mobile homes.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Community living arrangement for fifteen (15) persons or less, subject to state licensing requirements.
 - (5) Bed and breakfast establishments subject to the following provisions:
 - a. The bed and breakfast establishment shall be owner-occupied.
 - b. Bed and breakfast establishments shall require a permit in accordance with Ch. HSS 197, Wis. Adm. Code.
 - c. Off-street parking provisions shall be required.
 - (6) Public parks and playgrounds.
- (c) **Permitted Accessory Uses.**
- (1) Private garages and carports and accessory buildings and structures incidental to residential uses.
 - (2) Home occupations (see Section 13-1-92).
 - (3) Parking (see Article G).
 - (4) Signs (see Article H).
- (d) **Conditional Uses.** (See Article D).
- (1) Community living arrangements which have a capacity for sixteen (16) persons or more, subject to state licensing requirements.
 - (2) Elementary, junior and senior high schools.
 - (3) Fire stations.
 - (4) Churches.
 - (5) Museums, libraries, and community centers not conducted for profit.
 - (6) Nursing homes, homes for the elderly and hospitals.
 - (7) Golf courses.
 - (8) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.
 - (9) Private lodges and clubs.
 - (10) Boarding houses.
 - (11) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, microwave radio towers, sewage disposal plants, municipal incinerators power plants, shops and storage yards.

(e) **Dimensional Requirements.**

(1) **Lot Size.**

- a. Minimum Lot Area.
 - 1. Single-family dwelling. Ten thousand (10,000) square feet.
 - 2. Two-family dwelling. Ten thousand (10,000) square feet.
 - 3. Multiple-family dwelling. Lots shall have the minimum of the larger of twelve thousand (12,000) square feet or:

Dwelling Type	Minimum Lot Area
Multiple-family, 1 bedroom	2,000 SF per unit
Multiple-family, 2 bedroom	2,500 SF per unit
Multiple-family, 3 bedroom	3,500 SF per unit

- b. Minimum Lot Width. Ninety (90) feet.

(2) **Setbacks and Required Yards for Principal Building.**

- a. Minimum Front Yard. Thirty (30) feet.
- b. Minimum Side Yard. Eight (8) feet; twenty (20) feet aggregate.
- c. Minimum Rear Yard. Twenty-five (25) feet.

(3) **Setbacks and Required Yards for Accessory Building.** (See Article K).

- a. Side/rear yard setbacks are three (3) feet for all accessory buildings.

(4) **Maximum Building Height.**

- a. Principal Building. Thirty-five (35) feet.
- b. Accessory Building. Twenty (20) feet.

* A building may be erected to a height of fifty (50) feet if the setback from all required yard lines is increased a distance of one (1) foot for each foot of additional height above thirty-five (35) feet.

Sec. 13-1-47 C-1 Central Business District.

See #02.21 for temp. bldgs and storage containers

- (a) **Purpose.** The C-1 Central Business District is intended to provide for the orderly and appropriate regulations to ensure compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "center" of the City.

(b) **Permitted Uses.**

- (1) Retail sales establishments.
- (2) Financial institutions.

- (3) Personal and business service establishments.
 - (4) Commercial and professional offices.
 - (5) Hotels and motels.
 - (6) Restaurants, cafes, taverns and bars.
 - (7) Theaters and bowling alleys.
 - (8) Auditoriums and community centers.
 - (9) Government offices, post offices and libraries.
 - (10) Medical and dental clinics.
 - (11) Clubs and lodges.
 - (12) Newspaper and magazines publishers.
 - (13) Day care centers, provided all state requirements are met.
 - (14) Churches.
 - (15) Multiple-family dwellings. Parking shall be required in accordance with Article G.
 - (16) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity. Parking shall be required in accordance with Article G.
- (c) **Permitted Accessory Uses.**
- (1) Garages for storage and vehicles used in conjunction with the operation of the business or for occupants of the premises.
 - (2) Off-street parking lots.
 - (3) Signs (see Article H).
- (d) **Conditional Uses.** (See Article D).
- (1) Gasoline service stations.
 - (2) Automobile and other vehicle sales.
 - (3) Rest homes and nursing homes.
 - (4) Warehouses for local wholesale and retail establishments or for personal property.
 - (5) Transmitting towers, receiving towers, relay and microwave towers.
 - (6) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.
- (e) **Dimensional Requirements.**
- (1) **Lot Size.**
 - a. Minimum Lot Area. Two thousand (2,000) square feet.
 - b. Minimum Lot Width. Twenty-five (25) feet.
 - (2) **Setbacks and Required Yards for Principal Buildings.**
 - a. Minimum Front Yard. None required.
 - b. Minimum Side Yard. None required, except when adjacent or abutting a residential district, a side yard setback of ten (10) feet shall be required.
 - c. Minimum Rear Yard. None required, except when adjacent or abutting a residential district, a rear yard setback of twenty-five (25) feet shall be required.

- (3) **Setbacks and Required Yards for Accessory Building.** (See Article K).
 - a. Non required, however, side and rear yard setbacks are five (5) feet for all accessory buildings when adjacent or abutting a residential district.
- (4) **Maximum Building Height.**
 - a. All buildings. Forty-five (45) feet.

Sec. 13-1-48 C-2 General Commercial District.

*See # 02-21 for
temp. bldgs storage
containers*

- (a) **Purpose.** The C-2 General Commercial District is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more compatible with the character of adjacent residential districts.
- (b) **Permitted Uses.**
 - (1) Retail sales establishments.
 - (2) Financial institutions.
 - (3) Personal and business service establishments.
 - (4) Commercial and professional offices.
 - (5) Automotive sales and equipment service establishments, including gasoline service stations.
 - (6) Hotels and motels.
 - (7) Restaurants, cafes, taverns and bars.
 - (8) Theaters and bowling alleys.
 - (9) Auditoriums and community centers.
 - (10) Government offices, post offices and libraries.
 - (11) Clubs and lodges.
 - (12) Veterinary hospitals and clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
 - (13) Medical and dental clinics.
 - (14) Wholesale establishments.
 - (15) Day care centers, provided all state requirements are met.
 - (16) Rest homes and nursing homes.
 - (17) Boarding houses.
 - (18) Multiple-family dwellings.
 - (19) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity.
 - (20) Mini Warehouses. Outdoor storage is limited to boats and recreational vehicles. All such outdoor storage shall be screened. The screening required shall consist of a fence or wall not less than five (5) feet high. The fence or wall shall be constructed in a manner and of such material to impair direct vision of the outdoor storage area.

(c) **Permitted Accessory Uses.**

- (1) Parking (see Article G).
- (2) Signs (see Article H).
- (3) Accessory buildings and structures.

(d) **Conditional Uses.** (See Article D).

- (1) Hospitals.
- (2) Recreational establishments, including drive-in theaters, golf courses, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
- (3) Recreational vehicle camps, when such camps provide not less than one thousand eight hundred (1,800) square feet of lot area for each cabin, recreational vehicle or tent, and when such camp is clearly bounded by a fence or hedge. The requirements of Ch. HSS178, Wis. Adm. Code, and all other applicable codes shall be minimum standards and may be supplemented by the Planning Commission.
- (4) Kennels.
- (5) Animal hospitals, including the outside boarding of animals.
- (6) Automobile body repair shops.
- (7) Transmitting towers, receiving towers, relay and microwave towers, including broadcast facilities and studios.
- (8) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.
- (9) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.

(e) **Dimensional Requirements.**

(1) **Lot Size.**

- a. Minimum Lot Area. Ten thousand (10,000) square feet.
- b. Minimum Lot Width. Ninety (90) feet.

(2) **Setbacks and Required Yards for Principal Building.**

- a. Minimum Front Yard. Thirty (30) feet.
- b. Minimum Side Yard. Eight (8) feet.
- c. Minimum Rear Yard. Twenty-five (25) feet.

(3) **Setback and Required Yards for Accessory Building.** (See Article K).

- a. Side and rear yard setbacks are three (3) feet for all accessory buildings.

(4) **Maximum Building Height.**

- a. Principal Building. Thirty-five (35) feet.
- b. Accessory Building. Twenty (20) feet.

* A building may be erected to a height of forty-five (45) feet if the setback from all required yard lines is increased a distance of one (1) foot for each foot of additional height above thirty-five (35) feet.

- (f) **Visual Screening Requirement.** When adjoining or abutting a residential district, a visual screening may be required. Such visual screening shall consist of a single row hedge planting or solid wooden fence not less than six (6) feet in height.

Sec. 13-1-49 I-1 Light Industrial District.

See # 62-21 for temp bldgs / storage containers

- (a) **Purpose.** This District is intended to provide for manufacturing, industrial and related uses of a limited nature and size in situations where such uses are not in basic industrial grouping and where the relative proximity to other uses requires more restrictive regulations.
- (b) **Permitted Uses.**
 - (1) Manufacturing, assembly, fabrication and processing plants of a limited scope and not involving operational characteristics which would adversely affect surrounding uses or be basically incompatible with the surrounding environmental character and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment. Such as, but not limited to the following:

Bakery goods	Food Products except fish and
Candy	meat products
Cosmetics	Sauerkraut
Pharmaceutical	Vinegar
Toiletries	Yeast and the rendering of fats and oils and
	the vining of peas

Such as, but not limited to: Articles made from previously prepared materials such as:

Bone	Wire
Canvas	Yarns and the like
Cellophane	Musical instruments
Cloth	Toys
Cork	Novelties
Feathers	Rubber or metal stamps and other
Felt	small molded rubber products
Fiber	Fabrication and repair of electric
Fur	or neon signs or other commercial
Glass	advertising structures
Hair	Light sheet metal products and the
Horn	like
Leather	Assembly and manufacture from

Paper	prefabricated parts of household
Plastics appliances	
Precious or semi-precious metals or semi-precious metals or stones	Electronic products and similar products or the processing or assembling of parts for the
Shell	production of finished equipment
Textiles	
Wax	

- (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products of any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and related activities.
- (4) Tool making, cabinetry and repair shops.
- (5) General warehousing and not involving more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.
- (6) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.
- (7) Automobile body repair shop, not including the storage of junked or wrecked automobiles and parts.
- (8) Signs in conformity with Article H of this Chapter.
- (9) Public utility distribution lines including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department. *See Attached 06-02*

(c) Permitted Accessory Uses.

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking and loading facilities as required in Article G of this Chapter.
- (3) Residential quarters for the resident operator, guard or caretaker.

(d) Conditional Uses.

- (1) Kennels and animal hospitals, laboratories using animal products.
- (2) Transportation terminals, including trucking.
- (3) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.
- (4) Office buildings.
- (5) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.
- (6) Single-family dwellings as allowed in the R-1 Single-Family Residence District.

(e) Dimensional Requirements.

- (1) **Setbacks.**
 - a. Minimum Front Yard. Twenty-five (25) feet.

- b. Minimum Side Yard. Twenty-five (25) feet*; fifty (50) feet* in aggregate.
- c. Minimum Rear Yard. Twenty-five (25) feet.

* When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

(2) **Maximum Building Height.**

- a. Principal Building. Sixty (60) feet.
- b. Accessory Building. Forty (40) feet.

Sec. 13-1-50 I-2 Heavy Industrial District. *See # 02-21 Storage Containers temp bldgs*

(a) **Purpose.** This District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the I-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residence districts.

(b) **Permitted Uses.**

- (1) Manufacturing, assembly, fabrication and processing plants.
- (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and related activities.
- (4) Tool making, cabinetry and repair shops.
- (5) General warehousing.
- (6) Transportation terminals, including trucking.
- (7) Lumber and building supply yards.
- (8) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
- (9) Signs in conformity with Article H of this Chapter.
- (10) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the City Public Works Department.

(c) **Permitted Accessory Uses.**

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking, loading and service facilities, as required in Article G of this Chapter.
- (3) Residential quarters for the resident operator, guard, or caretaker.

ORDINANCE 06-02

To Create Section 13-1-49 (b) (10) & (11)
of the Bloomer Municipal Code

THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN
AS FOLLOWS:

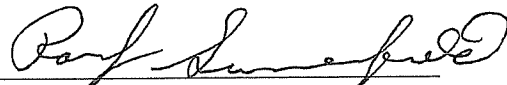
Section One: That Section 13-1-49 (b) (10) & (11) be created to read:

- (10) Construction Concerns
- (11) Contractor Businesses

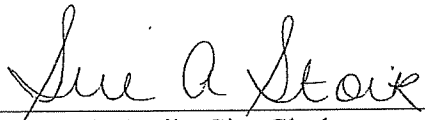
Section Two: That this ordinance shall take effect upon its adoption and publication as
required by law. That this section not be codified.

Dated this 24th day of May, 2006.

CITY OF BLOOMER

BY: 
Randy Summerfield, Mayor

ATTEST:

BY: 
Sue A. Stoik, City Clerk

Approved: 5-24-06

Published: 5-31-06

Adopted: 5-24-06

(d) **Conditional Uses.**

- (1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
- (2) Rendering plants, refineries or tanneries.
- (3) Stockyards or slaughterhouses.
- (4) Junk or salvage yards.
- (5) Storage of explosives except as incidental or a permitted use and storage of gasoline or petroleum in excess of fifty thousand (50,000) gallons.
- (6) Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
- (7) Animal hospitals, kennels and laboratories using animal products.
- (8) Any similar uses which in the opinion of the Plan Commission would be hazardous, noxious or offensive to the surrounding area.
- (9) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.
- (10) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum, and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

(e) **Dimensional Requirements.**

(1) **Setbacks.**

- a. Minimum Front Yard. Twenty-five (25) feet.
- b. Minimum Side Yard. Twenty-five (25) feet*; fifty (50) feet* in aggregate.
- c. Minimum Rear Yard. Twenty-five (25) feet.

*When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

(2) **Maximum Building Height.**

- a. Principal Building. Sixty (60) feet.
- b. Accessory Building. Fifty (50) feet.

Sec. 13-1-51 through Sec. 13-1-59 Reserved for Future Use.

ORDINANCE 02-21

- To amend Title 13 of the Bloomer Municipal Code
relating to temporary buildings and structures and storage containers -

The Common Council of the City of Bloomer does hereby ordain as follows:

Section One: Section 13-1-44(e) is hereby created to read as follows:

- (e) **Prohibited Uses.** Any use not permitted or conditional in the R-1 Single Family District is prohibited including, but not limited to, the prohibitions listed in this subsection (e).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.
- (2) Storage Containers, as defined in Title 15, are prohibited.

Section Two: Section 13-1-45(e) is hereby created to read as follows:

- (e) **Prohibited Uses.** Any use not permitted or conditional in the R-2 Two-Family Residence District, is prohibited including, but not limited to, the prohibitions listed in this subsection (e).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles,

- including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.
- (2) Storage Containers, as defined in Title 15, are prohibited.

Section Three: Section 13-1-46(f) is hereby created to read as follows:

- (f) **Prohibited Uses.** Any use not permitted or conditional in the R-3 Multiple Family Residence District is prohibited including, but not limited to, the prohibitions listed in this subsection (f).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.
- (2) Storage Containers, as defined in Title 15, are prohibited.

Section Four: Section 13-1-47(f) is hereby created to read as follows:

- (f) **Prohibited Uses.** Any use not permitted or conditional in the C-1 Central Business District is prohibited including, but not limited to, the prohibitions listed in this subsection (f).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.

Section Five: Section 13-1-48(g) is hereby created to read as follows:

- (g) **Prohibited Uses.** Any use not permitted or conditional in the C-2 General Commercial District is prohibited including, but not limited to, the prohibitions listed in this subsection (g).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.

Section Six: Section 13-1-49(f) is hereby created to read as follows:

- (f) **Prohibited Uses.** Any use not permitted or conditional in the I-1 Light Industrial District is prohibited including, but not limited to, the prohibitions listed in this subsection (f).
- (1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:
- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
 - b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.

Section Seven: Section 13-1-50(f) is hereby created to read as follows:

- (f) **Prohibited Uses.** Any use not permitted or conditional in the I-2 Heavy Industrial District is prohibited including, but not limited to, the prohibitions listed in this subsection (f).

(1) Temporary buildings and structures, as defined in Title 15, are prohibited, except under the following exceptions:

- a. Temporary Buildings and Structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within five (5) days following completion of construction activities or expiration of the building permit, but a temporary building or structure is not allowed for a duration longer than twelve (12) months.
- b. Canopies, and similar temporary structures, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting may be utilized without a permit, provided: (1) the structure is maintained in like-new condition and is anchored according to manufacturer specifications; (2) the structure is not used for the storage of vehicles, including but not limited to, cars, boats, tractors, or lawn mowers; and (3) the structure is not anchored for longer than forty-eight (48) hours.

Section Eight: Section 13-1-47(c)(4) is hereby created to read as follows:

(4) Storage Containers, as defined in Title 15, except that only two Storage Containers, with a maximum total length of 80 feet when the length of the two Storage Containers is added together, may be placed per Lot. Any Storage Container must be set-back a minimum of 3 feet from any building or lot line.

Section Nine: Section 13-1-48(c)(4) is hereby created to read as follows:

(4) Storage Containers, as defined in Title 15, except that only two Storage Containers, with a maximum total length of 80 feet when the length of the two Storage Containers is added together, may be placed per Lot. Any Storage Container must be set-back a minimum of 3 feet from any building or lot line.

Section Ten: Section 13-1-49(c)(4) is hereby created to read as follows:

(4) Storage Containers, as defined in Title 15, except that Storage Containers may take up no more than 30% of unobstructed space on any Lot. Any Storage Container must be set-back a minimum of 3 feet from any building or lot line.

Section Eleven: Section 13-1-50(c)(4) is hereby created to read as follows:

(4) Storage Containers, as defined in Title 15, except that Storage Containers may take up no more than 30% of unobstructed space on any Lot. Any Storage Container must be set-back a minimum of 3 feet from any building or lot line.

Section Twelve: This ordinance shall take effect upon the date of publication as provided in Wis. Stat. § 62.11(4)(a).

Dated this 24th day of March, 2021.

CITY OF BLOOMER

By: James J. Koehler
James Koehler, Mayor

Attest: Sandra B. Frion
Sandra Frion, City Administrator/Clerk/Treasurer

ADOPTED: 3.24.21

PUBLISHED: 3.31.21

Article D: Planned Unit Developments

Sec. 13-1-60 PUD Planned Unit Development District.

- (a) **Purpose.** The PUD Planned Unit Development District is intended to provide for large-scale residential development and is only available if the Common Council first determines that a specific project proposal should be reviewed as a Planned Unit Development. The Planned Unit Development District is established to provide a regulatory framework designed to encourage and promote improved environmental design in the City by allowing for greater freedom, imagination and flexibility in the development of land, while assuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments, conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate preservation of open land.
- (b) **General Procedure.** Before commencing with a planned unit development, the developer shall obtain approval of the Common Council, following a recommendation from the Plan Commission. Two (2) copies of the proposed General Development Plan, including a site plan, shall be submitted to the Clerk-Treasurer and the Plan Commission.
- (c) **Site Plan.** The site plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and shall include the following information:
- (1) Location and dimension of property boundaries.
 - (2) Location, size and number of parking spaces.
 - (3) Location, size, use, entrances and exits of all buildings.
 - (4) Elevations and contours sufficient to show topographic features and drainage patterns.
 - (5) Distances between buildings, between buildings and property lines, and between buildings and other improvements on the site including walks, parking areas and site structures.
 - (6) Location and width of all drives and roadways on the site.
 - (7) Drainage of surface water within the site, including parking lots and street grades, and the size, slope, depth and location of drainage and erosion control pipes and structures.
- (d) **Permitted Uses.** The following are permitted in a PUD District provided that no use shall be permitted except in conformity with a specific implementation plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
- (1) Any use may be permitted subject to the criteria as established in Subsections (e) and (f) below, and such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be enforced as a part of this Section.

- (2) The minimum size for a PUD shall be two (2) acres of land, with a minimum of sixteen (16) dwelling units.
- (3) The PUD tract shall be a development of land under single control. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. For purposes of this Section, ownership shall include a lease of not less than fifty (50) years duration. The term "single control" shall include ownership by an individual, corporation, partnership, association, trustee, or other legal entity.
- (e) **Height, Area and Setback Requirements.** Except as provided in Subsection (e) below, in a PUD there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Section.
- (f) **Parking Requirements.** Off-public street parking facilities shall be as provided for under this Zoning Code and in accordance with the approved specific implementation plan and such requirements as are made a part of the approved specific implementation plan, along with the recorded plan itself, shall be construed to be, and enforced as, a part of this Section.
- (g) **Lot, Building and Yard Requirements — Zero Lot Line or Common Wall Single Family Units.** For all attached zero lot line or common wall construction single-family duplex or townhouse dwellings allowed in a Planned Unit Development District, the following lot, building and yard requirements apply:
 - (1) **Lot Frontage.** Minimum forty (40) feet (each unit).
 - (2) **Lot Area.** Minimum six thousand (6,000) square feet (each unit).
 - (3) **Principal Building.**
 - a. Front Yard: Minimum twenty (20) feet.
 - b. Side Yards: Zero feet on one (1) side and minimum of six (6) feet on the other side. [If street side of a corner lot, a minimum of twelve (12) feet].
 - c. Rear Yard: Minimum twenty (20) feet.
 - (4) **Garages.** One (1) private garage with up to two (2) stalls per dwelling unit, not exceeding three hundred twelve (312) square feet per stall.
 - (5) **Building Height.** Maximum thirty-five (35) feet.
 - (6) **Percent of Lot Coverage.** Maximum fifty percent (50%) (combined principal and accessory buildings coverage).
 - (7) **Floor Area Per Dwelling Unit.** Minimum eight hundred forty (840) square feet.
 - (8) **Zero Lot Line/Common Wall Construction Requirements.** For all attached zero lot line or common wall construction duplexes and townhouses containing single-family dwellings, each unit shall have separate sewer and water lateral connections. The size, type and installation proposed to be constructed shall be in accordance with the

plans and specifications approved by the Common Council, following a recommendation from the Plan Commission. A minimum one (1) hour fire-rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.

- (9) **Number of Units.** Zero lot line/common wall single-family unit Planned Unit Developments shall, at a minimum, have sixteen (16) dwelling units.
- (h) **Criteria for Approval.** As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the specific implementation plan, with specific consideration as to whether or not it is consistent with the spirit and intent of this Zoning Code, has been prepared with competent professional advice and guidance and produces significant benefits in terms of environmental design.
- (1) **Character and Intensity of Land Use.** The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
- Are compatible to the physical nature of the site with particular concern for the preservation of natural features, tree growth and open spaces.
 - Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - Would not adversely affect the anticipated provision for school or other municipal services.
 - Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) **Economic Feasibility and Impact.** The proponents of a PUD application shall provide the City satisfactory evidence of its economic feasibility, proof by the proponents of available adequate financing, and that the PUD would not adversely affect the economic prosperity of the City or the values of surrounding properties.
- (3) **Engineering Design Standards.** The width of street right-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering considerations shall be based upon a determination of appropriate standards necessary to implement the specific function in the specific situation. In no case shall standards be less than those necessary to assure the public safety and welfare as determined by the City.
- (4) **Preservation and Maintenance of Open Space.** Adequate provision shall be made for the permanent preservation and maintenance of common open space by private reservation:
- The open area to be reserved shall be protected against building development by conveying to the City, as part of the conditions for approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the

aesthetic and recreational benefit of the PUD. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objectives may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Common Council following approval of building, site and operational plans made by the Plan Commission.

- b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the PUD.
- (5) **Implementation Schedule.** The proponents of a PUD shall submit a reasonable schedule for the implementation of the plan to the satisfaction of the City including suitable provisions for assurance that each phase will be brought to completion in a manner which will not result in any adverse effect upon the community as a result of termination at that point.
- (i) **Approval Procedure; General Development Plan.**
- (1) **Generally.** The procedure for initiating a PUD District shall be the same procedure used with other types of rezonings, unless otherwise prescribed by this Section. Rezoning would occur concurrently with the approval of the General Development Plan.
 - (2) **General Development Plan.** The applicant shall submit a General Development Plan to the City Clerk-Treasurer. The General Development Plan shall include the following information:
 - a. A statement describing the general character of the intended development.
 - b. An accurate site plan of the project area as required in Subsection (c) above including its relationship to surrounding properties and existing topography, key features, and building location and height.
 - c. A plan of the proposed project showing sufficient details to make possible the evaluation of the criteria for approval as set forth in Subsection (e).
 - d. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density, environmental character and their relationship to adjoining parcels of land within six hundred (600) feet of area boundaries.
 - e. The pattern of public and private streets.
 - f. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
 - g. A utility feasibility study.
 - h. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the City.
 - i. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision for common services.
- (j) **Specific Implementation Plan.**
- (1) **Submission of Plan and Fee.** The applicant shall submit a Specific Implementation Plan to the Plan Commission within twelve (12) months after having been granted an

approval of the General Development Plan and re-zoning to a PUD District classification. The applicant shall pay required fees and all costs incurred by the City in checking and processing such plans. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed Specific Implementation Plan.

- (2) **General Development Plan.** If a Specific Implementation Plan which the Plan Commission determines to be a reasonable phase of the total plan has not been submitted within such time, the developer shall be required to resubmit a General Development Plan which is subject to all the requirements of this Section.
- (3) **Information Required.** The Specific Implementation Plan submitted to the Plan Commission shall include the following detailed construction and engineering plans and related documents and schedules:
 - a. An accurate map of the area covered by the plan including the relationship to the total General Development Plan.
 - b. The pattern of public and private roads, driveways, walkways and parking facilities.
 - c. Detailed lot layout and subdivision plan where required.
 - d. The arrangement of building groups and their heights, and their architectural character with particular attention to their influence on adjoining parcels of land including the castings of unbroken shadows.
 - e. Sanitary sewer and water mains.
 - f. Grading plan and storm drainage system.
 - g. The location and treatment of open space areas and recreational or other special amenities.
 - h. The location and description of any areas to be dedicated to the public.
 - i. General landscape treatment.
 - j. Proof of financing capability.
 - k. Analysis of economic impact upon the community.
 - l. A development schedule indicating:
 1. The approximate date when construction of the project can be expected to begin.
 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 3. The anticipated rate of development.
 4. The approximate date when the development of each of the stages will be completed.
 5. The area and location of common open space that will be provided at each stage.
 - m. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities.

- n. Any other plans, documents or schedules requested by the Plan Commission.
 - o. If the Specific Implementation Plan is to be executed in phases, each phase shall be submitted in accordance with this Section.
 - p. An ownership statement shall be a part of the specific implementation plan and also shall be affixed and noted on the deed.
- (4) **Approval of the Specific Implementation Plan.**
- a. If the Specific Implementation Plan as submitted is not in substantial compliance with the General Development Plan, the Plan Commission shall notify the landowner regarding the aspects of the plan that are not in compliance. The landowner may:
 - 1. Treat such notification as denial of the final approval.
 - 2. Refile his/her Specific Implementation Plan so that it does comply with the General Development Plan.
 - b. Within forty-five (45) days after the filing of the Specific Implementation Plan, the Plan Commission shall forward to the Common Council a written report recommending that the plan be approved, disapproved or approved with conditions and giving the reason(s) for the recommendations.
 - c. Within thirty (30) days after the receipt of the Plan Commission report the Common Council shall either:
 - 1. Refer the plan back to the Plan Commission for further reports.
 - 2. Approve or reject the plan.
 - d. If the Specific Implementation Plan or any section thereof is given final approval and thereafter the landowner abandons the plan or any section thereof that has been finally approved and notifies the Common Council in writing; or, if the landowner fails to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and be deemed null and void; the parcel would revert to its pre-PUD application zoning classification.
- (5) **Approval of Plan.** Upon approval of the Specific Implementation Plan, the following shall be recorded in the County Register of Deeds office by the landowner within sixty (60) days of approval:
- a. The building, site and operational plans for the development as approved.
 - b. All other commitments and contractual agreements with the City offered and required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the Specific Implementation Plan. This shall be accomplished prior to the issuance of any building permit.

Sec. 13-1-61 through Sec. 13-1-79 Reserved for Future Use.

Article E: Conditional Uses

Sec. 13-1-80 Statement of Purpose — Conditional Uses.

The development and execution of this Article is based upon the division of the City of Bloomer 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. 13-1-81 Authority of the Plan Commission and Common Council; Requirements.

- (a) The Common Council hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission and Common Council, 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. Such Commission or Common Council action, and the resulting conditional use permit, when, 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 Common Council shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission and Common Council shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) 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 and Common Council upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (d) 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. 13-1-82 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 provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-83 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the City. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Plan Commission or Common Council 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; highwater mark and groundwater 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.

Sec. 13-1-84 Hearing on Application.

All requests for conditional uses shall be to the Common Council and Plan Commission or the Plan Commission or Common Council can, on their 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 13-1-83 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 the 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. 13-1-85 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 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 ten (10) days prior to the date of such public hearing. The Plan Commission shall report its action to the Common Council within forty-five (45) days after a matter has been referred to it, after which the Common Council shall take formal action.

Sec. 13-1-86 Standards — Conditional Uses.

- (a) **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission, or granted by the Common Council, unless the Commission shall find all of the following conditions are present:
- (1) 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.
 - (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 conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) 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.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) 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.
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Common Council and 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.

- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-87 Denial of Application for Conditional Use Permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Common Council, the Plan Commission and/or Common Council shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission and/or Common Council has used in determining that each standard was not met.

Sec. 13-1-88 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Common Council 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 13-1-86 above. In all cases in which conditional uses are granted, the City 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 recommendation, 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 Common Council, after recommendation from the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Common Council 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 that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that 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 tile, etc.

Sec. 13-1-89 Validity of Conditional Use Permit.

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval 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 Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Common Council at least thirty (30) days before the expiration of said permit.

Sec. 13-1-90 Complaints Regarding Conditional Uses.

The Common Council 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 Common Council 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 13-1-86 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 13-1-85 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Common Council may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-86 or conditions previously imposed by the Common Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. 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 13-1-86 will be met, the Common Council 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 Common Council shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-91 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) 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.

- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-92 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions on Home Occupations.** Except as provided in Subsection (c) below, home occupations are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises. This shall not be interpreted to include delivery and/or pick-up services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
 - (7) No more than twenty-five percent (25%) of the gross floor area of the principal building shall be utilized by the home occupation.
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Common Council.
 - (10) Activities which involve the manufacture, utilization, processing or storage of chemicals or inflammable and explosive material shall not be permitted.

- (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
 - (12) No more than one (1) non-resident employee may work on the home occupation premises.
- (c) **Permitted Use Exception.**
- (1) A home occupation under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no more than one (1) person works on the premises, no customers regularly come to the house, and the business is service-oriented and not engaged in retail trade. A conditional use permit shall be first obtained for home occupations that exceed the standards of Subsection (b). Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
 - (2) Persons engaged in building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on and off the premises, may have more employees than the limitations set forth in Subsection (b)(12) of this Section if they are not employed on the premises. If such employees regularly come to the premises to take work assignments, however, a conditional use permit shall first be obtained.
- (d) **Nameplate Sign Allowed.** Only one (1) nameplate sign shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two (2) square feet in area and shall be non-illuminated. The limitation of one (1) nameplate is intended to apply to all lots, including corner lots.
- (e) **Permitted Home Occupations.** Permitted home occupations include, but are not necessarily limited to, the following:
- (1) Artists or sculptors.
 - (2) Authors or composers.
 - (3) Home crafts such as model making, rug weaving and cabinet making.
 - (4) Office facility of a minister, rabbi, or priest.
 - (5) Office facility of an attorney, architect, professional engineer, surveyor, landscape architect, insurance agent or real estate agent.
 - (6) Private tutoring limited to three (3) pupils at any one time.
 - (7) Musical instruction limited to two (2) pupils at a time.
 - (8) Dressmaking.
- (f) **Home Occupations Not Permitted.** The following uses, by the nature of the investment or extent of operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations not permitted include, but are not necessarily limited to, the following:
- (1) Barber shops and beauty parlors.
 - (2) Antique shops.
 - (3) Stables and kennels.

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- (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
 - (5) Automobile repair or paint shops.
 - (6) Restaurants and bakeries.
 - (g) **Unlisted Home Occupations.** Any proposed home occupation that is neither specifically permitted by Subsection (b) or (e) nor specifically prohibited by Subsection (f) shall be considered a conditional use and be granted or denied by the Common Council upon consideration of those standards contained in Subsection (b) and Section 13-1-86 and in accordance with the procedures as required in Article E of this Chapter.

Sec. 13-1-93 through Sec. 13-1-99 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-100 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 at the time of the adoption, or amendment of this Chapter 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, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this 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 Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-101 Abolishment or Replacement.

- (a) **Discontinuance.** If the nonconforming use of a building or premises is discontinued for twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located. A reasonable interim between tenants or occupants shall not be construed to mean discontinuance.
- (b) **Extensive Repair Must Be in Conformance.** At such time as structural repairs, reconstruction or alterations are made to nonconforming structures or premises, which repairs or alterations exceed fifty percent (50%) of the equalized assessed value of such structures or premises as established by the City Assessor, such structures or premises will be required to conform to the use restrictions of this Chapter.

Sec. 13-1-1-102 Changes and Substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the 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. 13-1-103 Existing Substandard Lots.

A lot located in an R-1, R-2 or R-3 Residential District which does not contain sufficient area to conform to the dimensional requirements of this Chapter, but which is at least forty-six (46) feet wide, may be used as a single building site provided that the use is permitted in the zoning district, provided that the lot is lot of record in the County Register of Deeds Office prior to the effective date of this Section, subject to the following requirements and limitations:

- (a) **Front Yard.** It shall have a front yard thirty (30) feet in depth, measured from the curb line, or twenty (20) feet in depth, measured from the property line facing the structure, whichever is greater. As a complete alternative, a reduced front yard setback shall be allowed by the Zoning Administrator when residential structures on either side of the lot are closer to the street than allowed under this standard, in which event a residential structure to be built on the lot shall not be placed closer to the street than the average distance of the existing adjoining residences from the street. For purposes of this provision, "curb" shall mean the existing curb or the edge of the paved portion of the adjoining street.
- (b) **Side Yard.** It shall have side yards with a minimum of four (4) feet per one side, twelve (12) feet in the aggregate.
- (c) **Rear Yard.** It shall have a rear yard twenty-five (25) feet in depth.
- (d) **Accessory Structure Placement.** No accessory structure, including but not limited to, garages or sheds, shall be located closer than two (2) feet from a lot line.

Sec. 13-1-104 through Sec. 13-1-119 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec 13-1-120 Traffic Visibility Triangle.

(a) **Vision Setback at Intersections of Public Streets.**

- (1) Where two (2) public streets intersect at grade level, the intersection shall be daylighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows:

Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points twenty-five (25) feet distant from the point of intersection of the street boundaries at the corner.

- (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.
- (b) **Exception.** In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-121 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a new business, commercial or industrial use having over five thousand (5,000) square feet of gross floor area is hereafter established, off-street loading space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Gross Floor Area	Required Minimum Number of Spaces
Retail Establishments	Under 20,000 SF	1
	20,000-50,000 SF	2
	50,000-100,000 SF	3
Printing, Publishing Warehouses, Storage Establishments	Under 40,000 SF	1
	40,000-100,000 SF	2

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Servicing, Cleaning,	Under 40,000 SF	1
Repairing, Testing, or Manufacturing Establishments	40,000-100,000 SF	2

All uses — One (1) additional such loading space for each one hundred thousand (100,000) square feet or major fraction thereof of gross floor area so used in excess of one hundred thousand (100,000) square feet. When the determination of requirements results in a fractional space, any fraction of one-half (1/2) or less shall be disregarded. Any fraction of more than one-half (1/2) shall count as one (1) loading space.

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** All loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall not be located less than twenty-five (25) feet from any street right of way; nor less than fifty (50) feet from a residential district unless within a building. Loading areas shall not occupy more than one-half (1/2) the required front yard setback. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (e) **Size.** An individual loading space shall be at least twelve (12) feet wide by seventy (70) feet long and have a minimum high clearance of sixteen (16) feet.
- (f) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.

- (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (h) **Unlawful Truck Use.** No truck or semi-trailer, or part thereof, shall be used for the purpose of permanent storage of goods or material, or for advertising purposes within the City. Use for a period in excess of two (2) weeks for the purpose of storage or advertising shall, for the purpose of construction of this Zoning Code, be deemed permanent use in violation of this Chapter.

Sec. 13-1-122 Parking Requirements.

The off-street parking provisions of this Chapter shall apply to all buildings and structures erected after the effective date of this Chapter, accessory parking shall be according to the provisions of this Article; where an 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; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Zoning Administrator. 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, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (b) **Design Standards.** Each parking space shall not be less than one hundred eighty (180) square feet in area, eighteen (18) feet in length and ten (10) feet in width, exclusive of aisles and access drives. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
- (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed four hundred (400) feet from the principal use.
 - (2) In any off-street parking area, which abuts a single-family residential district, no vehicles shall be allowed to park closer than ten (10) feet to the abutting lot line between the districts.

- (3) No parking shall be allowed within the first fifteen (15) feet of the required front yard in all residential districts and the conservancy district. No parking shall be allowed within the first ten (10) feet of the required front yard in all commercial and industrial districts.
 - (4) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2 of this Code of Ordinances.
- (d) **Surfacing.** All off-street parking areas, except parking spaces accessory to a single-family or two (2) family dwelling, shall be hard surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds (normally, a two [2] inch blacktop on a four [4] inch base or five [5] inches of Portland cement will meet this requirement). Any parking area for more than ten (10) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used only with the approval of the Common Council. All parking lots three thousand (3,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.
- (e) **Landscaping.**
- (1) **Accessory Landscape Area.** All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or public right-of-way and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (2) **Location.** Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **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 four (4) 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.
 - (5) **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.

- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (7) **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.
- (f) **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.
- (g) **Number of Stalls.** Number of parking stalls required are shown in the following table (floor area shall mean the gross floor area of the specific use):

Use	Minimum Parking Required
Single-family dwellings, duplexes, one bedroom apartments or efficiencies and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings (2 bedrooms or more)	Minimum of 2 stalls for each dwelling unit; 2 or more bedrooms, 1 stall per bedroom.
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees.
Hospitals, clubs, lodges, lodging and boardinghouses	1 stall for each 2 beds, plus 1 stall for each 3 employees.
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds, plus 1 stall for each 3 employees.
Medical and dental clinics	8 stalls for each practitioner on the staff
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats

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Colleges, secondary and elementary schools	1 stall for each employee, plus 1 stall for each 5 students of 16 years of age or more.
Nursery schools, day nurseries and child care centers	1 space for each 2 staff members, plus 1 space for each 10 children based on maximum occupancy load.
Restaurants, bars, places of entertainment and clubs	1 stall for each 50 sq. ft. of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each employee on the major shift, plus sufficient stalls to accommodate all trucks and other vehicles used in connection with the business
Financial institutions; governmental and professional offices	1 stall for each 200 square feet of floor area
Funeral homes	1 stall for each 5 seats
Bed and breakfast establishments	1 off-street stall for each guest room
Retail stores and customer service shops	1 stall for each 200 square feet of floor area
Shopping centers	1 stall for each 100 square feet of floor area
Animal Hospitals	1 space per employee plus 4 additional spaces
Athletic fields, including softball fields, tennis courts, or similar uses	Parking space shall be provided in adequate number as determined by the Planning Commission to serve the public.
Bowling alleys	2 spaces per lane plus the requirements for connected commercial uses, such as eating or drinking establishments.

- (h) **Employee Parking.** In addition to the requirements in Subsection (g), in all districts except industrial there shall be employee off-street parking provided at the ratio of one off-street parking space for each full-time employee. A full-time employee shall be one

working forty (40) hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for full-time employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.

- (i) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Common Council.
- (j) **Computing Requirements.** In computing the number of spaces required, the following rules shall govern:
 - (1) Floor space shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one (1) use, the required number of spaces shall be computed by adding the space required for each use.
 - (3) Where parking spaces are calculated according to the use of the parcel.
- (k) **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 four hundred (400) 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.
- (l) **Handicapped Parking Requirements.**
 - (1) **State Code 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. In case of conflict, the most restrictive provision shall be applicable.
- (m) **ADA Requirements for Parking Spaces.**
 - (1) **Accessible Parking Space Requirements.**
 - a. In any self-park facility, a certain number of spaces must be set aside for wheelchair access as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 & over over 1000 spaces	20 plus 1 per 100

- b. Exceptions:
1. Outpatient units at medical care facilities — 10% of total spaces for that facility.
 2. Medical care facilities specifically for treatment of the mobility impaired — 20% of the total spaces for that unit.
- (2) **Accessible Parking Space Dimensions.**
- a. Standard Accessible Spaces. Accessible spaces shall consist of a sixteen (16) foot wide parking stall adjacent to an eight (8) foot wide access aisle.
 - b. Vertical Clearance. Along at least one (1) aisle to and from each accessible space, a minimum clearance of eight feet two inches (8'2") [ninety-eight inches (98) inches] is required.
- (3) **Location of Accessible Spaces.**
- a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
 - b. Accessible parking spaces need not be provided in each parking structure provided the different location has equivalent or greater accessibility in terms of distance from an accessible entrance.
- (4) **Accessible Route.**
- a. At least one (1) accessible route with a continuous minimum clearance of thirty-six (36) inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
 - b. If an accessible route has less than sixty (60) inches clear width then passing spaces at least sixty (60) inches by sixty (60) inches must be located at reasonable intervals not to exceed every two hundred (200) feet.
 - c. The floor slope along an accessible route shall not exceed one in twelve (1:12) with a maximum rise of thirty (30) inches for any run.

- d. A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60) inches long. At changes in direction a sixty (60) inch by sixty (60) inch landing shall be provided.
 - e. The cross slope of ramps shall not exceed one in fifty (1:50).
 - f. The floor slope at loading zones shall not exceed one in fifty (1:50).
 - g. It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.
- (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 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. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) 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) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

Sec. 13-1-123 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.** 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.** 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. 13-1-124 Off-Street Parking Restrictions in Residential Areas.

- (a) **Where Permitted.** Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one (1) paved or graveled driveway not exceeding twenty-four (24) feet in width and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- (b) **Additional Permitted Areas.** Regardless of the provisions of Subsection (a) above, the Common Council may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Common Council, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted

only after a conditional use proceeding under Article E of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

(c) **Vehicle Limitations.**

- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than two (2) trucks limited to one (1) ton capacity.
- (2) Only two (2) vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one (1) ton capacity.
- (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
- (4) All motor vehicles parked on a residential lot shall display current license plates.

Sec. 13-1-125 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-140 Purpose of Sign, Canopy and Awning Regulations.

- (a) The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of Bloomer; painting, posting and general maintenance are excepted.
- (b) This Article authorizes the use of signs visible from public rights-of-way, provided the signs are:
 - (1) Compatible with the zoning regulations.
 - (2) Designed, constructed, installed and maintained in such a manner that do not endanger public safety or traffic safety.
 - (3) Legible, readable and visible in the circumstances in which they are used.
 - (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

Sec. 13-1-141 Signs, Canopies, Awnings and Billboards — Definitions.

- (a) The following definitions are used in this Article:
 - (1) **Abandoned Sign.** A sign which no longer correctly advertises a bonafide business, lessee, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Area of Copy.** The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.
 - (3) **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 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. In the case of wall signs, the area of copy will be used.
 - (4) **Awning.** A temporary 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.
 - (5) **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.

- (6) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (7) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (8) **Changeable Message Sign.** A sign such as an electric controlled time and temperature sign, message center or reader board where copy changes.
- (9) **Copy Area.** The geometric area in square feet that encloses the actual copy of the sign.
- (10) **Directional Sign.** Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (11) **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.
- (12) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (13) **Electric Sign.** Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- (14) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (15) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (16) **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.
- (17) **Frontage.** The length of the property line of any one premise parallel to and along each public right-of-way it borders.
- (18) **Grade.** The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- (19) **Ground Sign.** A sign erected on one (1) or more free-standing supports or uprights and not attached to any building.
- (20) **Gross Area.** The area of a sign is determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one (1) module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "Area of Copy" apply.
- (21) **Height of Sign.** The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

- (22) **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.
- (23) **Illuminated Sign.** A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- (24) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (25) **Integrated Shopping Center.** A shopping center in single ownership or under unified control, and containing three (3) or more separate businesses.
- (26) **Legal Nonconforming Sign.** A nonconforming sign that did meet regulations when it was originally installed.
- (27) **Marquee Sign.** Shall mean 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.
- (28) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (29) **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 premise on which the sign is located.
- (30) **On-Premise Sign.** Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
- (31) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum or election subject matter.
- (32) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a structure which is designed to be easily moved from one location to another. A "sandwich-style" portable sign is a sign not permanently attached to the ground, meant to be temporarily placed outside, not exceeding four (4) inches by four (4) inches on each side.
- (33) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (34) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (35) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (36) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product. Included in this definition are any emblem, painting, banner, pennant, placard, design,

identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

- (37) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.
- (38) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (39) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (40) **Wall Sign.** A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall and projecting not more than sixteen (16) inches from such wall. This includes signs painted directly on a wall.
- (41) **Window Sign.** A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises; such sign must be placed only on the interior of any window unless painted directly upon it. This does not include merchandise located in a window.
- (42) **Zoning Lot.** A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

Sec. 13-1-142 Required Permits for Signs, Canopies and Awnings.

- (a) **Application.** Except those specified in Section 13-1-143, 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 Bloomer. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
- (b) **Permit Fees.** A permit fee shall be paid to the Zoning Administrator for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an

existing sign in conformity with this Article, or for a copy change when no change in business name is involved.

- (c) **Application for Permit.** Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:
- (1) The name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Evidence of liability, insurance policy or bond.
 - (4) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the City of Bloomer.
 - (5) Signature of the applicant.
- (d) **Permit Issuance and Denial.** The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Bloomer when the permit application is properly made and the sign complies with the appropriate laws and regulations of the City of Bloomer. If the sign permit is denied by the Zoning Administrator, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure the sign complies with the regulations of this Article. Every sign shall be inspected and approved by the Zoning Administrator within thirty (30) days after it is erected or altered.
- (f) **Sign Permit Appeal.**
- (1) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within ten (10) days after receipt of notice that the sign involved does not conform to this Chapter and not less than forty-five (45) calendar days before a scheduled Board of Appeals meeting. In the event that the appeal is not made in writing to the Board of Appeals within such ten (10) day period, a variance may not be granted. The Board of Appeals is to take action on any variance request within sixty (60) days of receipt of the variance application. The Zoning Administrator shall comply with and enforce the Zoning Board of Appeals decision.
 - (2) The Zoning Administrator's failure to either formally grant or deny a sign permit within fifteen (15) days of the date an application meeting the requirements of this Chapter is filed, shall be cause for appeal to the Zoning Board of Appeals.

- (g) **Indemnification for Sign Installation and Maintenance.** All persons engaged in the business of installing or maintaining signs which involves in whole or in part, the erection, alteration, relocation, maintenance of a sign or other work in, over, or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the City of Bloomer, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this Article has not specifically directed the placement of the sign.
- (h) **Insurance.** Every sign contractor shall file with the Building Inspector a Certificate of Insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless clause with bodily injury limits of at least Three Hundred Thousand Dollars (\$300,000) per occurrence, and Three Hundred Thousand Dollars (\$300,000) aggregate, and property damage insurance of at least One Hundred Thousand Dollars (\$100,000) per occurrence, and One Hundred Thousand Dollars (\$100,000) aggregate. Such insurance shall not be canceled or reduced without the insured first giving thirty (30) days notice in writing to the City of Bloomer of such cancellation or reduction.

Sec. 13-1-143 Signs Not Requiring a Permit.

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water (unless specifically excepted):

- (a) **Construction Signs.** Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
- (b) **Directional and Instructional Non-Electric Signs.** Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (c) **Non-Illuminated Emblems.** Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.
- (d) **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- (e) **Home Occupation Signs.** Signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area. One (1) sign per home occupation is allowed.

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- (f) **House Numbers and Name Plates.** Name plates not exceeding one (1) square foot in area for each residential building. House numbers not exceeding one (1) foot in height. Written house numbers not exceeding one (1) foot in height. Letters, when used to identify individual multiple-family dwelling units, not to exceed one (1) foot in height.
- (g) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this Article.
- (h) **Memorial Signs and Plaques.** Memorial signs or 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.
- (i) **No Trespassing or No Dumping Signs.** No trespassing and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.
- (j) **Public Notices.** Official notices posted by public officers or employers in the performance of their duties.
- (k) **Public Signs.** Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
- (l) **Political and Campaign Signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
- (1) Said signs may be erected no earlier than sixty (60) days prior to the election and shall be removed within seven (7) days following said election.
 - (2) Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) feet in residential zoning districts.
 - (3) No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection nor over the right-of-way.
 - (4) Political and campaign signs shall not be attached to public signs or utility poles.
- (m) **Real Estate Signs.** One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
- (1) In residential districts and the Central Business District, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - (2) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - (3) **Shoreland Property.** Two (2) real estate signs are permitted allowing one (1) sign adjacent to the ordinary high water mark and one (1) sign adjacent to the street.
- (n) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

- (o) **On-Premise Temporary Signs.** Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.
- (p) **Vehicular Signs.** Truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
- (q) **Interior Window Signs.** Permanent signs located within the interior of any building or structure which are visible from the public right-of-way provided the gross area of the sign does not exceed four (4) square feet. This does not include temporary advertising, special event, or sales types of signs.

Sec. 13-1-144 General Design Requirements.

- (a) A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than four (4) feet in height.
- (b) Any overhead sign location that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.
- (c) No sign facing a residential district shall be closer than twenty-five (25) feet to the district line.
- (d) Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches outside of a building's wall surface.
- (e) The gross area of permanent window signs shall not exceed fifty percent (50%) of the gross window area.

Sec. 13-1-145 Special Signs.

- (a) **Subdivision Development Signs.** The Zoning Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
 - (1) Such permits may be issued for a period of not more than one (1) year and may be reviewed for additional periods of up to one (1) year and upon written application at least thirty (30) days prior to its expiration.
 - (2) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
 - (3) The sign may not exceed eighty (80) square feet.
 - (4) One (1) sign is allowed for each major street adjacent to the subdivision.
- (b) **Banners and Pennants.** Banners and pennants shall not be used on a commercial or industrial zone for a total period not to exceed thirty (30) days and will be allowed in

residential zones in conjunction with an open house or model home demonstration for up to five (5) days before the opening of such a demonstration or five (5) days after and not to exceed a total period of thirty (30) days.

(c) **Portable Signs.**

(1) **Permit.** Any person wishing to place a portable sign on his/her premises or the premises of another shall first obtain a permit from the Zoning Administrator. Permits shall be issued for a period not to exceed sixty (60) days in any calendar year. Any sign remaining on the premises for more than sixty (60) days in any calendar year shall be deemed to be a permanent sign and shall meet all requirements for a permanent sign.

(2) **Size.** No portable sign shall exceed thirty-two (32) square feet and no portable sign shall be over seven (7) feet in height from grade level.

(3) **Setback.** All portable signs shall have a minimum setback from the front property line of ten (10) feet or an additional setback as deemed necessary by the Building Inspector for the safe flow of vehicle or pedestrian traffic.

(d) **Off-Premise Signs.** Off-premise signs are permitted in the C-2, I-1 and I-2 zoning districts, subject to the following provisions:

(1) **Spacing.** Off-premise signs on the same side of the street shall not be placed closer together than three hundred (300) feet.

(2) **Size Restrictions.** The maximum size allowed for an off-premise sign is two hundred (200) square feet.

(3) **Height Restriction.** No off-premise sign shall exceed twenty-five (25) feet in height.

(4) **Length.** No off-premise sign shall exceed twenty-five (25) feet in length.

(5) **Setbacks.** No part of an off-premise sign shall be closer to the street than the building setback lines of the district in which it is located.

(6) **Exclusionary Areas.** No off-premise sign shall be erected within one hundred fifty (150) feet of a residential or conservancy district or public park.

(e) **Integrated Shopping Center.** For integrated shopping centers in single ownership or under unified control, and containing several businesses, the following regulations shall apply:

(1) Each business or office shall be eligible for one (1) attached sign. The area of such sign shall not exceed, in square feet, two (2) times the lineal front footage of the business or office.

(2) One (1) ground sign for shopping center identifications with the height limitation of thirty (30) feet is permitted. If the shopping center is on a corner, either one (1) corner sign or two (2) signs, one (1) on each street is permitted. If two (2) signs are installed, they must be placed at least two hundred (200) feet from the lot corner at the intersection. The area of such sign shall not exceed, in square footage, the lineal front footage of the lot or two hundred (200) square feet, whichever is less. No sign shall be closer than ten (10) feet to a property line unless the adjacent property is a residential district in which case the sign shall be set back twenty-five (25) feet.

Sec. 13-1-146 District Regulations.

The following signs are allowable providing a permit is acquired from the Zoning Administrator.

- (a) **Residential (R-1, R-2, R-3) Districts.** No signs allowed except for those provided in Section 13-1-143.
- (b) **Central Business District (C-1).** In the C-1 District, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, ground and directional signs.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed seventy-five (75) square feet. Only one (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.
 - (4) **Off-Premise Signs.** Off-premise signs shall be prohibited in the Central Business District.
- (c) **General Commercial District (C-2).** In the C-2 District, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, ground, and directional signs and one (1) off-premise sign.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed one hundred (100) square feet in gross area except as provided under Section 13-1-145(e). Only one (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. The sign shall not higher than twenty-five (25) feet above grade.
 - (4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with Section 13-1-145(d).
- (d) **Light Industrial (I-1) and Heavy Industrial (I-2) Districts.** In the I-1 and I-2 Districts, signs shall be regulated as follows:
 - (1) **Permitted Signs.** Wall, window, directional, and ground signs and one (1) off-premise sign.
 - (2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.
 - (3) **Ground Signs.** The area of a ground sign shall not exceed two hundred (200) square feet in gross area. Only one (1) on-premise ground sign shall be permitted for each

- street frontage on the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.
- (4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with Section 13-1-145(d).

Sec. 13-1-147 Landscape Features.

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

Sec. 13-1-148 Prohibited Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** Except as permitted herein, no sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. Changeable message signs and movie theater marquees are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven (7) revolutions per minute. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
- (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance are prohibited.

- (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (d) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.
- (e) **Swinging Signs.** Swinging signs are prohibited.
- (f) **Obscene Signs.** Signs are prohibited which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

Sec. 13-1-149 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 Zoning Administrator, such sign 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 Zoning Administrator or Common Council, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator, or Common Council, or designee, to the Board of Appeals. The Zoning Administrator may cause to be removed any deteriorated or dilapidated signs under the provisions of Sec. 66.05, Wis. Stats.
- (b) **Alterations.** For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Article if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions and the provisions of Section 13-1-247 for violations of this Chapter, the Zoning Administrator, Common Council or designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 13-1-150 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals, pursuant to the standards of Section 13-1-~~283~~ ²⁰³

Sec. 13-1-151 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework,

braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator.

(b) **General Requirements.**

(1) **Construction Standards.**

- a. All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
 - b. Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number and the voltage of any electrical apparatus used in connection therewith.
 - c. All signs shall comply with the provisions of the City Building Code and the current National Electrical Code and the additional construction standards hereinafter set forth.
 - d. All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
 - e. Electrical service to ground signs shall be concealed wherever possible.
 - f. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
 - g. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for support or braces shall be hidden from the public view to the extent technically feasible.
- (2) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.
- (3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) **Blanketing.** Blanketing of signs shall not be allowed.
- (5) **Maintenance.** 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, painting (except when a weathered or natural surface is intended), repairing, cleaning and other acts required for the maintenance of said sign. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

- (6) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

Sec. 13-1-152 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the City of Bloomer limits of the date of adoption of this Chapter 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 sign ordinance;
 - (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 sign ordinance.
- (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. 13-1-153 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) **Advertising.** No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (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 a wind pressure as provided in Section 13-1-150 of this Code. 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) **Advertising.** No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

Sec. 13-1-154 Violations of Sign Code.

- (a) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty five (5) times the amount of the permit otherwise required.

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- (b) (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (c) Any person, firm or corporation who violates any provision of this Article shall, in addition, be subject to the penalties prescribed in Section 13-1-227. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Sec. 13-1-155 through Sec. 13-1-159 Reserved for Future Use.

Article I: Performance Standards — Industrial Developments

Sec. 13-1-160 Article Intent.

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

Sec. 13-1-161 Vibration.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 13-1-162 External Lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries or register one-half candles at a residential property line.

Sec. 13-1-163 Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

Sec. 13-1-164 Particulate Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

Sec. 13-1-165 Visible Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

Sec. 13-1-166 Hazardous Pollutants.

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

Sec. 13-1-167 through Sec. 13-1-179 Reserved for Future Use.

Article J: Signal Receiving Antennas; Wind Energy Systems

Sec. 13-1-180 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (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/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the City of Bloomer, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case

of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (7), (9) and (12).
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the City shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of five (5) feet from any side or rear property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Board of Appeals shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed twelve (12) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
 - (4) **Height.** A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed fourteen (14) feet in height, as measured from the ground to the highest point of the dish.
 - (5) **Roof-Mounted Antennas.**
 - a. In all residential zoning districts, roof-mounted antennas shall only be permitted subject to the provisions contained herein:
 - 1. Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof, unless allowed under Subsection (c)(2) above.

2. A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof, unless allowed under Subsection (c)(2) above.
 - b. In the commercial and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.
 - (6) **Wind Pressure.** All signal receiving antennas 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.** To safeguard public safety, electrical installations in connection with signal receiving antennas, 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 signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna 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 signal receiving antennas shall be grounded against direct lightning strikes.
 - (8) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna 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.
 - (9) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (10) **Interference with Broadcasting.** Signal receiving antennas 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 signal receiving antenna 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 signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder, including Federal Communications Commission rules.
 - (12) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common Council, a City enforcement official, 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. 13-1-181 Wind Energy Systems.

- (a) **Construction of Wind Energy Systems.** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (b) **Permits Required.**
 - (1) A zoning permit shall be obtained to allow construction of a WECS.
 - (2) A WECS permit shall be obtained from the City Zoning Administrator for the construction of all WECS.
- (c) **Application Requirements.** An application for a permit to build a wind energy system shall include the following:
 - (1) The property lines of the proposed site of construction.
 - (2) Proposed location of the WECS.
 - (3) Location and description of all structures located on the property where the WECS site is proposed.
 - (4) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (5) Location of all underground utility lines on the property where a WECS site is proposed.
 - (6) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (7) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (d) **Blade Clearance.** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
- (e) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations

regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

- (f) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wis. Adm. Code, and any future amendments, additions, and/or revisions to same.
- (g) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (h) **Setback Requirements.**
 - (1) No WECS shall be constructed in any setback, dedicated easement, nor dedicated roadway.
 - (2) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (i) **Noise.** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the City of Bloomer Code of Ordinances.
- (j) **Interference with Navigational Systems.** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (k) **Electrical Distribution Lines.** All WECS electrical distribution lines shall be located underground.
- (l) **Required Safety Features.**
 - (1) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (2) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
 - (3) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (4) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Bloomer Code of Ordinances.
- (m) **Maintenance.** The Zoning Administrator or his/her representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on

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which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the structural stability of the system.

- (n) **Inspections.** A yearly inspection at a fee to be determined from time to time by resolution of the Common Council shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

Sec. 13-1-182 through Sec. 13-1-199 Reserved for Future Use.

Article K: Accessory Uses and Structures;
Fences and Hedges

Sec. 13-1-200 Accessory Uses or Structures.

- (a) **Building Permit Required.** No owner shall, within the City of Bloomer, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **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.
- (c) **Rear/Side Yard Placement.** Accessory buildings and structures are permitted in the rear yard and side yard; however, when an accessory building or structure is located forward of the rear building line of the principal building, it shall satisfy the same side yard requirements as the principal building.
- (d) **Placement Restrictions — Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (2) **Detached Accessory Buildings; Lot Area Coverage.**
 - a. Garages and other detached accessory buildings shall be less than fourteen (14) feet in height.
 - b. No detached accessory building(s) shall occupy more than thirty percent (30%) of the required rear yard. Private swimming pools shall be exempt from the thirty percent (30%) rear yard occupancy limitation in residential districts.
 - c. No detached accessory building shall be located within five (5) feet of any other accessory building.
 - d. Accessory buildings shall not be closer than three (3) feet to an alley or platted easement, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.

- (3) Setbacks shall be as prescribed by district regulations. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.
 - a. An accessory building shall not be nearer than five (5) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with.
 - b. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- (e) **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. Accessory buildings shall not be used for residential purposes.
- (f) **Placement Restrictions — Nonresidential Districts.** An accessory use or structure in a commercial or industrial district may be established in the rear yard or side yard and shall not be nearer than five (5) feet to any side or rear lot line. Detached accessory buildings and structures in commercial and industrial districts shall not occupy more than fifty percent (50%) of the rear and side lot areas.
- (g) **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.
- (h) **Landscaping 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. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (i) **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.
- (j) **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.
- (k) **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 and shall not register more than one-half foot candles at the property line.
- (l) **Lawn Accessories.** Walks, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, 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.
- (m) **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.
- (n) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (o) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

Sec. 13-1-201 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 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. 13-1-202 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of 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 four (4) 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.
 - (4) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
 - (1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines. Residential fences less than or equal to four (4) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way and shall be subject to the requirements of Section 13-1-120. All fences must be constructed and maintained in a good state of repair and appearance.
 - (2) No fence shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (d) **Fences Placement.** Fences in or adjacent to a residential property may be located on lot lines. Fences shall be constructed alongside lot lines but must be so placed to allow the fence owner to maintain both sides of the fence, on their property. The fence owner shall properly trim weeds and grasses around the fence.
- (e) **Security Fences.** Security fences shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.** No fence shall be constructed which is in a 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 eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
- (g) **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.

- (h) **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.
- (i) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.
- (j) **Property Boundary Determinations.** Fences shall be erected on the owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence. The dress side of the fence shall be on the outside. **All parts of the fence shall be erected on the owner's property.**
- (k) **Snow Fences.** Utility snow fences may be used only during the winter months and shall be removed at the end of each winter season.

Sec. 13-1-203 Swimming Pools.

- (a) **Definition.** A "swimming pool" is a body of water or 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, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term 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.**
 - (1) All swimming pools existing on or prior to August 13, 1997, shall be grandfathered and exempt from the provisions of this Section. This Section regulates the installation of new swimming pools.
 - (2) Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be 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 Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector

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 required 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 Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) **Approved Materials.** 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) **Plumbing.** 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) **Electrical Installations.** 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 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) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.
- (f) **Enclosure.**
- (1) **Fence; In-Ground Pools.** All outdoor swimming pools shall have a fence, wall, barrier, or other solid structure not less than four (4) feet and not more than eight (8) feet in height completely enclosing the pool, pump and filter with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use. The Board of Appeals may grant an exception to the requirement of fencing when it finds that under all of the circumstances and conditions affecting the swimming pool, it does not constitute a safety hazard.
 - (2) **Above-Ground Pools; Pool Wall Barrier.**
 - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water

enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

- b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.
- (g) **Lighting.** Glare from lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
- (h) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (i) **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.
- (j) **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. 13-1-204 through Sec. 13-1-219 Reserved for Future Use.

Sec. 13-1-220 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. 13-1-221 Zoning Administrator,

Appointment. The Common Council shall designate the Zoning Administrator and 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.

Duties. In enforcing and administering this Chapter, the Administrator shall perform the following duties:

- (1) Issue the necessary building permits and occupancy and zoning use permits required by the provisions of this Chapter, provided its provisions have been complied with.
- (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
- (3) In case of any finding of a violation of a provision of this Chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Common Council, indicating the nature of the violation and the action necessary to correct it.
- (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this Chapter which are filed in the zoning office.
- (5) Initiate, direct and review, from time to time, a study of the provisions of this Chapter and make reports of the recommendations to the Plan Commission for investigation and appropriate action.
- (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.

Authority. In the enforcement of this Chapter, the Administrator shall have the power and authority for the following:

- (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.

- (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Administrator or the Board of Appeals, or take any other action as directed by the Common Council to insure compliance with or to prevent violation of its provisions.
- (3) In the name of the City and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this Chapter or the Building Code, including the collection of forfeitures provided for herein.

Sec. 13-1-222 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 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. The Plan Commission shall have the powers to conduct and hold public hearings on all proposed amendments to the City Zoning Ordinance as provided in Sec. 62.23(7)(d) of the Wisconsin Statutes.
- (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 grant planned unit development applications, issue conditional use permits, 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 appeal 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. 13-1-223 Land Use Permit.

- (a) **Permit Required.** No building shall be erected, moved or structurally altered until a land use permit therefor shall have been applied for and issued.

- (b) **Application.** All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing or intended use of each building, or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of these zoning regulations.
- (c) **Application; Dimensions.** All dimensions shown relating to the location and size of the lot shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (d) **Issuance or Denial.** Except as otherwise provided in these zoning regulations, the Zoning Administrator shall issue or refuse to issue a land use permit within ten (10) days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.
- (e) **Proper Applicants; In General.** The following shall be considered proper applicants for a land use permit or certificate of compliance under the terms of these zoning regulations:
- (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under properly recorded land contract;
 - (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement;
 - (4) Duly authorized agent for any of the above.
- (f) **Identification.** The Zoning Administrator may request proper proof of the applicant showing that he is a proper applicant, under the terms of this Chapter. His application for a land use permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the Zoning Administrator office. The Zoning Administrator may revise the form of application for land use permit and certificate of compliance to conform with the terms of this Chapter. If the applicant is not the fee simple owner of the property involved, the name of the owner of any lienholder shall be included in the application.
- (g) **Time Limitations.** Any land use permit granted under this Chapter shall become null and void within six (6) months after it is issued if construction on the property for which the permit is granted has not been commenced within the six (6) month period. In all such cases where a permit has become null and void, a new application must be filed for a new land use permit before any construction can be commenced at such location. All land use permits granted under the terms of this Chapter shall be valid for only twelve (12) months. Land use permits shall expire on the first anniversary date from their issuance. If a certificate of compliance has not been issued for the property by the expiration date of the land use permit, application for a new land use permit must be made in order to continue work on the premises involved.