

400.05 ADMINISTRATION AND ENFORCEMENT

400.05 (1) Amendments to the Zoning Ordinance.

(a) In accordance with the provisions of Wisconsin Statutes, the City Council may, from time to time, adopt amendments to this Zoning Ordinance. All proposed amendments to this Zoning Ordinance shall be referred to the Planning Commission prior to adoption for its recommendation and report. If the proposed amendment originates with the Planning Commission, the Commission may proceed to make its recommendation and report to the City Council.

(b) After the Planning Commission has prepared its recommendation, a public hearing on the amendment(s) shall be held. The public hearing may be held either before the Planning Commission or the Common Council. Notice of the public hearing shall be given as follows:

1. Written notice of the hearing shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendments at least ten (10) days prior to the hearing.

2. A class 2 notice under chap. 985 Wis. Stats. shall be published in the official City newspaper during the three (3) weeks prior to such hearing, with the last insertion to be at least seven (7) days prior to the date of the hearing.

(c) If the Planning Commission has held a public hearing, the Commission's report shall contain or have appended thereto a list of the persons who appeared at the public hearing and a brief synopsis of each person's testimony or statement made at the public hearing.

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

400.05 (2) Zoning Administrator - Powers and Duties. The Zoning Administrator shall administer this Zoning Ordinance and in addition thereto and in furtherance of said authority, he/she shall:

(a) Determine that all zoning permits comply with the terms of this Zoning Ordinance.

(b) Conduct inspections of buildings and use of land to determine compliance with the terms of this Zoning Ordinance.

(c) Maintain permanent and current records of all matters pertaining to the provisions and administration of this Zoning Ordinance including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications therefore.

(d) Receive and forward all applications for rezonings, appeals, variances, conditional use permits or other matters arising under this Zoning Ordinance to the designated official bodies.

(e) Assist the Planning Commission and the City Council in regard to matters arising under this Zoning Ordinance, by making such investigation of matters pertaining to this Zoning Ordinance as they may request and reporting the findings thereof and recommendations thereupon to the requesting body.

(f) Request institution in the name of the City of Richland Center of any appropriate actions or proceedings against violators of this Zoning Ordinance as provided by law.

400.05 (3) Board of Zoning Appeals.

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

1. The Board of Zoning Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the City Council, for terms of three years. The Mayor shall designate one of the members as chairperson. In addition, the Mayor may appoint one or two persons as alternate members of the Board of Zoning Appeals. If there is more than one alternate, the Mayor shall designate one member as first alternate and the other as second alternate. Such alternate members shall not vote unless one of the regular members of the Board is absent from a meeting or refuses to vote because of interest in the matter under consideration, in which case the first alternate member shall have a vote. If two members are absent or refuse to vote because of interest, both alternate members shall have votes.

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

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

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

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

3. To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in

practical difficulty or unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare observed, and substantial justice done.

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

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

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

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

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

400.05 (4) Procedure on Appeals to the Board of Zoning Appeals.

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

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

(c) No appeal of an adverse decision shall be referred to or considered by the Board of

Zoning Appeals unless the aforesaid written notice of appeal has been timely filed with the Zoning Administrator. The Zoning Administrator is hereby appointed the agent of the Board of Zoning Appeals for the purpose of receiving any notice of appeal required to be filed with the Board.

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

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

(f) Upon the hearing any party may appear in person or by agent or attorney.

(g) The Board shall keep minutes of all meeting and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.

(h) The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary for any of the following:

1. To reverse any order, requirement, decision or determination of the Zoning Administrator or any other City administrative official.
2. To decide in favor of the applicant on any matter upon which the Board is required to pass under this Zoning Ordinance.
3. To grant any variance under this Zoning Ordinance.

(i) The grounds of every determination of the Board of Zoning Appeals shall be stated on the record, and entered in the Board's minutes.

(j) Decisions of the Board of Zoning Appeals may be reviewed by means of certiorari in the circumstances permitted by sec. 62.23(7)(e)10 Wis. Stats.

400.05 (5) Zoning permits.

(a) Zoning Permit Required. No person shall erect, alter, remodel, demolish, wreck or move any building, structure, sign or part thereof without first securing a zoning permit therefore.

(b) Zoning Permit Application. Application for a zoning permit shall be made in the following manner:

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

f. Upon approval of such plat or certified survey map, the applicant shall demonstrate to the satisfaction of the City that it has been properly executed and filed with the Richland County Register of Deeds.

4. The applicant or agent of the applicant shall in addition file with the Building Inspector any relevant data required by the City which the Building Inspector deems necessary to an evaluation of the merits of the application. A request by regular mail to the applicant or his agent at the address shown on the application shall constitute a demand for any such data.

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

(c) PROCEDURE UPON RECEIPT OF A ZONING PERMIT APPLICATION.

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

a. New construction or additions to residential buildings of three units or more;

b. New construction or additions to community Living arrangements, commercial or industrial buildings;

c. signs.

The Building Inspector shall take action on all other applications on his own, without referral to the City Council. **[Amended by Ord 1997-10]**

2. The City Council and the building inspector shall have the following options in considering an application for a zoning permit: **[Amended by Ord 1997-10]**

a. Approval of the application.

b. Approval of the application, conditional upon satisfactory fulfillment of specified additional requirements such as plan approval by the Wisconsin Dept. of Commerce or similar required actions.

c. Denial of the application

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

1. An applicant for a building permit which has been unconditionally approved, shall within thirty (30) days after such approval, pay to the city the full fee for the building

permit. Upon such approval and payment, the Building Inspector shall issue the building permit. In the event of failure by the applicant to pay all fees within said 30 days, the building permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable. Thereafter, anew application and payment of a new fee shall be required. **[Ord 1997-10]**

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

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

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

400.05 (6) Rezoning. The procedure for changing zoning district boundaries (rezoning) shall be as follows:

(a) The Planning Commission, City Council or the titleholder of a property sought to be rezoned may initiate a rezoning.

(b) Property Owners wishing to initiate a rezoning of property shall fill out completely and file with the Zoning Administrator an Application for Rezoning form, which form shall be furnished by the City. Such Property Owner shall pay over to the Zoning Administrator the prescribed fee for the requested rezoning. All Applications for Rezoning changing zoning district boundaries which are initiated by the petition of an owner or owners of property shall be accompanied by a legible scale map or plat showing the lands proposed to be changed and all lands within two hundred (200) feet of the boundaries of the property proposed for rezoning, together with the names and addresses of the owners of such neighboring lands as the same appear on the tax records of the Treasurer of the City of Richland Center and/or the Treasurer of Richland County.

(c) An application for rezoning initiated by a property owner shall, upon filing, be forthwith transmitted by the Zoning Administrator to the Planning Commission, for investigation and recommendation. The Zoning Administrator or the Planning Commission may at any time after filing of the application request any additional relevant data which he, she or they deem necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a proper demand for any such data.

(d) Within sixty (60) days after the date of receipt of the petition from the Zoning Administrator, the Planning Commission shall make a written report to the City Council stating its findings and recommendation in regard to the application. In the event that additional data has been requested pursuant to (c) and the applicant has failed to submit such data, the Planning Commission may simply recommend denial of the application upon grounds of failure to submit the requested data.

(e) The City Council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days after receipt of the application, then the City Council shall hold a public hearing within (30) days after the expiration of the said sixty (60) day period. Failure to receive a report from the Plan Commission as herein provided shall not invalidate the proceedings or actions of the City Council. The City Council shall give not less than ten (10) days nor more than thirty (30) days notice of the time and place of such hearing by publication of a class 2 notice under chap. 985 Wis. Stats. in the official City newspaper, and such notice shall contain a description of the land and the proposed change in zoning.

(f) At least ten (10) days before the hearing the City Council shall order the Clerk to mail an identical notice to the applicant and to each of the property owners within two hundred (200) feet of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice, provided it is unintentional, or failure of the property owners to receive the notice shall not invalidate the proceedings. The applicant shall be given the right to be heard at the hearing, and to be represented by attorney at his/her expense of he/she so desires. At the time of hearing the City Council may take final action upon the application or it may continue the hearing from time-to-time for further investigation and hearing. The City Council may also request further information and report from the Planning Commission, the Zoning Administrator or the applicant.

(g) The City Council shall not rezone any land or area in any zoning district or make any other proposed amendment to this Zoning Ordinance without having first referred it to the Planning Commission for their consideration and recommendation. If no recommendation is received within 60 days after such referral, the City Council may proceed to hold hearings and either grant or deny the application for such rezoning.

(h) Where the proposed rezoning originates with the Planning Commission, the Commission may initiate the procedure by transmitting its report and recommendation directly to the City Council for a hearing pursuant to pars. (e) and (f), without the need for referral back to the

Commission by the City Council.

(i) The City Council may propose a rezoning on its own motion, in which case the matter shall be transmitted to the Planning Commission for a report and recommendation, which shall then be transmitted back to the Council for hearing pursuant to pars. (e) and (f).

(j) Rezoning applications may be denied by motion of the City Council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest of the physical development of the City of Richland Center. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

400.05 (7) Conditional Use Permits. [As Amended by Ord 2004-10 and 2014-9]

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

(a) Application. Persons applying for a conditional use permit shall fill out completely and file with the Zoning Administrator an Application for Conditional Use Permit form, which form shall be furnished by the City. The Conditional Use Permit form shall be signed by the land owner and by any person seeking the conditional use permit, if that person is not the same as the land owner. The applicant shall pay over to the Zoning Administrator the prescribed fee for the requested permit. **[History Ord 1998-5]**

(b) Initial Review by Zoning Administrator; Referral to Planning Commission. The Zoning Administrator shall review the filed application to determine whether the application is fully and correctly filled out. The Zoning Administrator may require the applicant to furnish as part of the application any additional information which the Zoning Administrator deems necessary to an evaluation of the merits of the application. Once the Zoning Administrator is satisfied that the application is fully and correctly filled out and any requested additional information has been received, the Zoning Administrator shall refer the application to the Planning Commission. **[Amended by Ord 2014-9]**

(c) Notice of Application to Neighboring Landowners; Consideration by the Planning Commission. The Planning Commission shall consider the application at its next regular meeting which will allow for the seven (7) day notice provided herein. The City Clerk shall mail notice of the application and of the Planning Commission meeting at which the application will be considered to the applicant and to the owner of each property located within 200 feet of the outside boundaries of the land which is the subject of the application not less than seven (7) days prior to the meeting. Failure to mail the notice to all landowners, providing it is unintentional, or failure of a property owner to receive the notice, shall not invalidate the proceedings. **[Amended by Ord 2014-9]**

(d) Request for Additional Data or Information. The Planning Commission may request from the applicant any additional data or information which it deems necessary to an evaluation

of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a valid demand for any such data. Alternatively, the Planning Commission may make such request verbally to the applicant at any meeting where the applicant is present, which also constitutes a valid request. **[History: Ord 1997-13]**

(e) Optional Public Hearing before Planning Commission. The Planning Commission may, in its discretion, hold a public hearing on any application for a conditional use permit. If the Planning Commission determines to hold such a public hearing, it shall give notice thereof by publishing a Class I notice under chap. 985 Wis. Stats. in the official City newspaper. If the Planning Commission has held such a public hearing, the Commission's report shall contain or have appended thereto a list of the persons who appeared at the public hearing and a brief synopsis of each person's testimony or statement made at the public hearing.

(f) Report of Planning Commission. The report and recommendation of the Planning Commission, which may be in the form of minutes of the meeting at which the matter was considered by the Commission, shall be transmitted to the City Clerk, who shall thereafter place the matter on the agenda of the City Council at an upcoming regular City Council meeting no more than ninety (90) days after the completed application has been submitted by the applicant. **[Amended by Ord 2014-9]**

(g) Council Action. The City Council shall take action on the application within sixty (60) days after receiving the report from the Plan Commission. However, the Council may deny or defer indefinitely consideration of any application when the applicant has been duly requested by the Zoning Administrator, the Planning Commission or by the Council to furnish additional information or data and the applicant has failed to do so, which such failure shall toll the 60 day period. The City Council may, in its discretion, hold a public hearing on any application for a conditional use permit, but is not required to do so. If the Council determines to hold such a public hearing, it shall give notice thereof by publishing a Class 1 notice under chap. 985 Wis. Stats. in the official City newspaper. **[Amended by Ord 2014-9]**

(h) Criteria. Each request for a conditional use approval shall consider the following criteria in addition to any other criteria which the City Council deems appropriate:

1. The request is consistent with applicable provisions of the comprehensive plan.
2. The request is compatible with the existing or allowable uses of adjacent properties.
3. The request can demonstrate adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
4. The request can demonstrate adequate provisions for maintenance of the use

granted by the conditional use permit and associated structures approved under said permit.

5. The request has minimized, to the degree possible, adverse effects on the natural environment.
6. The request will not create undue traffic congestion
7. The request will not adversely affect the public health, safety and welfare.
8. The request conforms to all applicable provision of this code. [History Ord 2002-2]

(i) City Council's Options. A request for a conditional use permit may be approved, approved with conditions or limitations or denied. [Amended by Ord 2014-9]

(j) Imposition of Conditions or Limitations. In approving the grant of a conditional use permit, the City Council may impose such conditions or limitations on the permit as it considers necessary to protect the public health, safety and welfare, and any such conditions or limitations may include a time limit for the conditional use to exist or for the operation or activity permitted by the permit to be carried on. The City Council may provide for an expiration date of a conditional use permit in order to enable a review of the use or the property under the permit, and may, if satisfied after such review that the use of the property pursuant to the conditional use permit is satisfactory, renew the permit or may add additional conditions or limitations on the permit as a condition of renewal. If the City Council determines that the permittee has committed serious or repeated violations of the conditions or limitations on the permit or that renewal of the permit adversely affects the public health, safety and welfare it may refuse to renew the permit. [Amended by Ord 2014-9]

(k) Examples of Conditions and Limitations. Conditions and limitations may include but are not limited to: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards (setbacks) or parking requirements, may be required by the Common Council upon its finding that these are necessary to fulfill the purpose and intent of this Zoning Ordinance. [History: Ord 2002-2]

(l) Conformity by Permittee with Conditions and Limitations. Once a conditional use permit is issued, the Permittee shall conform to all conditions and limitations imposed by the City Council on the conditional use. A violation of the conditions and limitations of a conditional use permit shall constitute a violation of this zoning ordinance and shall be subject to the enforcement and penalties provisions set forth in par. 400.05 (10) as well as the provisions set forth below. [Amended by Ord 2014-9]

(m) Permit Void for Non-User. A conditional use permit shall become void one (1) year after the date it was approved by the City Council unless within the year the permitted use is actually commenced. The City Council may, but is not required to, grant an extension of the time for commencement of the conditional use provided that a request for a delayed commencement date is made to the City within the one year after the initial approval of the conditional use permit. **[Amended by Ord 2014-9]**

(n) Discontinuance of Use. When any conditional use is discontinued for a period of six (6) months, or the use is changed from that use permitted by the conditional use permit to a permitted use, the conditional use permit is terminated and any future use of said location shall be in conformity with the provisions of this Zoning Ordinance relating to permitted uses. **[Amended by Ord 2014-9]**

(o) Recourse of the City for Violations. **[Amended by Ord 2014-9]** In the event the Permittee has violated or failed to comply with any conditions and limitations of a conditional use permit the City shall have the following remedies:

1. **ACTION FOR FORFEITURE.** The City may in the event of any violation or failure to comply issue or cause to be issued a citation or complaint seeking a forfeiture for the violation as a violation of the zoning ordinance imposed by par. 400.05(10) (b). Each day that a violation is maintained or permitted to exist shall constitute a separate violation. The imposition of a forfeiture shall not be deemed a waiver of any other available remedies. It is not required that the City give notice of the violation prior to commencing an action seeking imposition of a forfeiture, although the City may opt to do so.

2. **OPTIONAL NOTICE OF VIOLATION.** The City may, but is not required to, give written notice of a violation to the owner of the property and to any person other than the owner who is known to the City to be using the property under a conditional use permit, which notice shall be mailed by first class mail to the property owner at the address shown for mailing of tax bills on the property as shown in the records of the Richland County Treasurer and to any other user of the property known to the zoning administrator at the address of the property. If such notice is personally delivered, it shall not be necessary to mail the notice to the recipient(s) of the hand delivered notice. Said notice shall state essentially the following:

a. That the use of the property has not been in conformity with the conditions and limitations of the Conditional Use Permit, and shall briefly enumerate those conditions and limitations violated or not complied with.

b. That if the violations of the conditions and limitations of the Conditional Use Permit or deficiencies are not corrected within the time stated in the Notice, the Conditional Use Permit may be revoked by the City and the City may, upon such revocation, bring legal action to prevent the continuing use of the property for the conditional use which was formerly permitted by the Conditional Use Permit.

3. REVOCATION OF PERMIT FOR FAILURE TO CORRECT VIOLATIONS OR FOR REPEATED VIOLATIONS.

- a. If notice of the violation has been given, and if the violation(s) of the conditions and limitations of the Conditional Use Permit have not been corrected prior to the expiration of the period stated in such notice, the City Council may proceed to consideration of revocation of the Conditional Use Permit.
- b. Alternatively, if there have been repeated violations of the conditions and limitations of the Conditional Use Permit and notice of one or more prior violations has been given under subparagraph a, the City Council may proceed to consideration of revocation of the Conditional Use Permit.
- c. Notice of consideration by the City Council of possible revocation of a conditional use permit shall be given to the owner of the property by certified mail at the address shown in the records of the Richland County Treasurer for mailing tax bills for the property or by personal service upon the owner. If a person other than the owner occupies the property, that person shall be given notice of such possible revocation by first class mail at the address of the property or by personal delivery to such person. The owner and/or the occupant of the property shall have the right to appear and be heard by the Council at the time of such consideration.
- d. In determining whether to revoke a conditional use permit, the Council may take into consideration the current violation and any previous violations of the conditions and limitations of the Conditional Use Permit, regardless of whether a forfeiture was imposed or other enforcement action was taken for the previous violations.
- e. In the event that the conditional use permit is revoked, the City may refer the matter to the City Attorney to bring action for an injunction against continuation of any use of the property which is not a permitted use, and to seek in addition judgment for the City's costs, disbursements and attorneys fees incurred in bringing such action as provided by law.

4. REMEDIES NOT EXCLUSIVE; NO WAIVER OF REMEDIES. The taking by the City of one or more of the foregoing actions by the City for a violation of the conditions or limitations of a Conditional Use Permit shall not be deemed a waiver by the City of its right to take any other of the foregoing actions in regard to the violation.

400.05 (8) Variances.

(a) In specific cases the Board of Zoning Appeals may grant a variance (which is the same as a special exception) from the terms of this Zoning Ordinance which is not contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Zoning Ordinance will result in practical difficulty or unnecessary hardship (but not a hardship that is

self-imposed by the landowner), so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. The hardship or difficulty must have to do with the characteristics of the land and not of the property owners. A variance may be granted as part of a determination of an appeal of an adverse decision of the Zoning Administrator, or upon direct application therefor. A direct application for a variance shall be deemed substantially equivalent to an appeal of an adverse decision.

(b) A person desiring to apply directly for a variance shall fill out a form provided by the Zoning Administrator, and submit the completed form to the Zoning Administrator together with the fee for the application established by the City Council. An application not accompanied by the fee shall not constitute an completed application, and need not be referred to the Board of Zoning Appeals.

(c) A completed application shall be referred by the Zoning Administrator to the Board of Zoning Appeals

(d) The Board of Zoning Appeals shall fix a reasonable time for hearing the application for variance and shall give public notice thereof. It shall also give written notice by mail or by personal service to the appellant or applicant, to the Zoning Administrator and to any other interested person, and shall decide the same within a reasonable time. In addition to giving said required public notice of any meeting of the Board of Zoning Appeals, the Chairman of the Board of Zoning Appeals shall transmit or cause to be transmitted to the Mayor and to each Alderman a notice of every meeting of the Board of Zoning Appeals which sets forth all agenda items, not less than 72 hours prior to such meeting, either by personal delivery or by first class mail.

(e) All hearings on applications for variance by the Board of Zoning Appeals shall be open to the public. Upon the hearing any party may appear in person or by agent or attorney. The Board shall keep minutes of all meeting and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.

(f) The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to grant any variance under this Zoning Ordinance.

(g) All procedural requirements and provisions of sub. (4) which are not specifically inconsistent with the terms of this subsection shall apply to the procedure for hearing a direct application for a variance.

(h) A variance, when granted, creates a vested right which runs with the land and is transferable to successors in title of the landowner to whom the variance is granted.

400.05 (9) Fees.

(a) Fees shall be charged for applications for permits, variances, applications for amendments to the zoning map (also known as rezonings) or appeals under this Zoning Ordinance. The City Council shall set the amount of all such fees by resolution. The amount of any fee set by such resolution shall have the effect of superseding the amount of any fee set forth in this ordinance or in any earlier resolution. **[Amended by Ord 2006-12]**

(b) Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission or referral to the Board of Zoning Appeals. An application or appeal not accompanied by the appropriate fee shall not be deemed filed, and need not be considered or acted upon until the fee has been paid. **[Amended by Ord 2006-12]**

(c) There shall be no fee in the case of any application or appeal filed by the City Council or by the City Planning Commission. **[Amended by Ord 2006-12]**

400.05 (10) Enforcement and Penalties.

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

(b) FORFEITURE. Any person, corporation, partnership, limited liability company, trust or other legal entity who shall violate or fail or refuse to comply with any section or provision of the Richland Center Zoning Ordinance may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, officer, director of such corporation, any partner of such partnership, sole member or managing member of a limited liability company, any trustee of such trust or any officer or principal of any other legal entity may, upon order of the Circuit Court, be subject to imprisonment in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions duly imposed by the Court or by law for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. **[Amended by Ord 2014-10]**

(c) OTHER REMEDIES; NON-EXCLUSIVITY OF REMEDIES. In addition to the imposition of a forfeiture, the City may in appropriate circumstances proceed against any violation of this Chapter by means of injunction or other remedy available to it. Such proceeding shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the imposition of a forfeiture be deemed a waiver of or a bar to proceeding for any other available remedies. **[Amended by Ord 2014-10]**

(d) CONDITIONS IN VIOLATION OF PRIOR ZONING ORDINANCES NOT

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

400.05 (11) Certificate of Occupancy.

(a) APPLICATION. No structure hereafter erected or moved, or that portion of an existing structure hereafter erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the structure complies with all of the provisions of this Zoning Ordinance. No parcel of land unoccupied by a building or structure shall be utilized for a use until a certificate of occupancy has been issued by the Building Inspector stating that the proposed use of the land complies with all of the provisions of this Zoning Ordinance.

(b) REQUEST FOR CERTIFICATE. Said certificate shall be applied for coincident with the application for a zoning permit, and shall be issued within ten (10) days after the Building Inspector shall have found the building or structure satisfactory. Said application for the certificate shall be accompanied by any fee set by the Common Council to defray the cost of processing.

(c) WAIVER. The Building Inspector may waive the foregoing requirement of a certificate of occupancy if he/she determines to do so.

400.06 DISTRICT PROVISIONS

400.06 (1) Districts. For the purposes of this Zoning Ordinance, the City of Richland Center is hereby divided into the following zoning districts:

- (a) Residential Districts, also known as "R" Districts:
1. "R-A" Residential-Agricultural District
 2. "R-1" Single-Family Residential District
 3. "R-2" One and Two Family Residential District
 4. "R-3/4" Three and Four Family Residential District
 5. "R-5" Five or More Family Residential District
 6. "R-O" Residential Office District
 7. "MHP" Mobilehome Park Residential District
- (b) Commercial Districts, also known as "C" Districts:

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

(c) Industrial Districts, also known as "I" Districts:

1. "IND" General Industry District
2. "IP" Industrial Park Industry District

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

400.06 (3) Specific District Regulations. Specific regulations pertaining to each of the several zoning districts are set forth in Chapters 401 through 411 of the Code of Ordinances.

400.07 PERFORMANCE STANDARDS

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

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

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

- (a) Laundry being dried.
- (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
- (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and

trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.

(d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.

(e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.

(f) Heating wood intended for use for fuel purposes on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. The term "cord", when used in connection with wood intended for fuel purposes, means the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed. Example: A stack of firewood 4 feet wide by 8 feet long by 4 feet high equals 128 cubic feet or one cord. All permitted heating wood shall be stored within a legally existing enclosed structure on the premises or, if stored outside a structure, shall be stored only in the rear yard of the premises, ranked and well stowed in a stack not more than four (4) feet high and located more than five (5) feet from any property line. No person shall store any ash wood with the bark on it within the city. **[Amended by Ord 2014-15]**

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

400.07 (3) Traffic Control in all Districts. The traffic generated by any use shall be channelized and controlled in a manner that will avoid:

(a) Congestion on the public streets.

(b) Traffic hazards, and

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

400.07 (4) Landscaping in Certain Districts. In all Districts except "C-DT", all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures and storage. Except for areas which are used as driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot. Such yard shall

have a depth of at least fifteen (15) feet. Such yard shall be at or above the level of the grade of any adjacent sidewalk, and shall be covered with grass, trees, shrubs or similar landscape features.

400.07 (5) Maintenance of Improvements in all Districts. In all Districts, all structures, and all required landscaping and fences, including trees, bushes and similar landscaping features, shall be maintained so as not to be unsightly or present harmful health or safety conditions.

400.07 (6) Refuse in all Districts. The provisions of Chapter 407 of the Code of Ordinances of the City are hereby incorporated herein by reference. Any condition or property which is in violation of said Chapter 407 shall also constitute a violation of this Chapter and may be proceeded against the same as any other violation of this zoning ordinance. **[Amended by Ord 2014-18]**

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

400.07 (8) Explosives in all Districts. No activities involving the storage, utilization or manufacture of materials or products capable of rapid decomposition by detonation, including but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or as projectile propellants, shall be permitted except such as are specifically licensed by the Common Council or for which the Common Council shall have granted a Conditional Use Permit allowing such activities, except that it shall be permissible to keep or store not more than fifteen (15) pounds of nitrocellulose-based smokeless rifle or shotgun propellant powder in its original factory container or not more than two (2) pounds of black powder in its original factory container for shooting or reloading firearms cartridges without a conditional use permit.

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

400.07 (10) Grass and Weeds in all Districts. The provisions of Chapter 321 of the Code of Ordinances of the City are hereby incorporated herein by reference. Any condition or property which is in violation of said Chapter 321 shall also constitute a violation of this Chapter and may be proceeded against the same as any other violation of this zoning ordinance. **[Amended by Ord 2014-18]**

400.07 (11) Trimming of Trees over Streets and Sidewalks in All Districts. The provisions of Chapter 310 of the Code of Ordinances of the City are hereby incorporated herein by reference. Any condition or property which is in violation of said Chapter 301 shall also constitute a violation of this Chapter and may be proceeded against the same as any other

violation of this zoning ordinance. **[Amended by Ord 2014-18]**

400.07 (12) Burning in all Districts. The provisions of Chapter 455 of the Code of Ordinances of the City are hereby incorporated herein by reference. Any condition or property which is in violation of said Chapter 455 shall also constitute a violation of this Chapter and may be proceeded against the same as any other violation of this zoning ordinance. **[Amended by Ord 2014-18]**

400.07 (13) Performance Standards in Industrial Districts. Within any "IND" Industrial District, no structure or premises shall fail to comply with the following performance standards:

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

(b) Screening. Any industrial use on a lot abutting an "R" District shall provide and maintain a wall fence or planting not less than seven feet (7') high so as to screen and reduce the noise and dust between the two uses and to inhibit eye level vision between the residential and industrial areas.

(c) Glare and Heat. Any industrial use or operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

(d) Noise. No use shall be carried on in any manner which produces noise perceptible at any lot line of the lot on which the use is conducted at a level which at any time exceeds fifty (50) decibels, measured at any point on or outside the lot line.

(e) Industrial Waste Material. Industrial waste material shall not be washed or allowed to run off into the public streets, into any public storm sewer system, nor into the sanitary sewer system without first having received approval from the City Council. If said approval is not granted, a method of disposal shall be devised which will not require additional land for continued operation and will not cause a detrimental effect to the adjacent land. Should the industrial waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view, and a maximum amount of accumulation determined along with a satisfactory method of disposal. Any violation of applicable Wisconsin Statute or duly promulgated administrative rule of the Wisconsin Department of Natural Resources in regard to the storage or disposal of industrial waste material shall also constitute a violation of this Zoning Ordinance.

400.08 OFF-STREET PARKING AND LOADING

400.08 (1) Surfacing and Drainage. Off-street parking and loading areas shall be improved with a concrete or bituminous surface, or with a crushed rock or an equally durable surface which shall be maintained so as not to create a nuisance due to dust. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. The foregoing requirements shall also apply to open sales lots selling motor vehicles and other equipment.

400.08 (2) Location. All accessory off-street parking facilities required herein shall be located as follows:

(a) Spaces accessory to one and two family dwellings shall be on the same lot as the principal use served.

(b) Spaces accessory to multiple family dwellings shall be on the same lot as the principal use served or within four hundred (400) feet of the main entrance to the principal building served.

(c) Spaces accessory to uses located in a business or industrial district shall be within eight hundred (800) feet of a main entrance to the principal building served.

(d) There shall be no off-street parking space within three (3) feet of any right-of-way.

(e) No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned for residential purposes.

400.08 (3) Access. All off-street parking spaces shall have access off driveways and not directly off the public street.

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

400.08 (5) Truck Parking in Residential Areas. No motor vehicle over two and one-half (2 1/2) ton rated capacity, or bearing a commercial licensed trailer, shall be parked or stored in a platted residential district except when loading, unloading, or rendering a service.

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

400.08 (7) Directional Signs in Parking Areas. Signs located in parking areas necessary for

orderly operation of traffic movement shall be permitted in addition to other signs permitted by this Zoning Ordinance, and by any other ordinance regulating signs.

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

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

400.08 (10) Parking in the Central Business District. Uses located within the Central Business district are exempt from all off-street parking and loading requirements.

400.08 (11) Off-Street Parking. The following minimum off-street parking spaces shall be provided:

- (a) Single Family Dwellings: One space per lot.
- (b) Multiple Dwelling Unit Structures: One and one-half (1 1/2) spaces per dwelling unit.
- (c) Motel, Motor Hotel, Motor Court or Hotel: At least one (1) parking space for each guest room provided in the design of the building plus one space for each employee.
- (d) School - High School through College: At least one (1) parking space for each seven (7) students based on design capacity plus one (1) space for each three (3) classrooms.
- (e) Churches, Auditoriums, Mortuaries or Funeral Parlors: At least one (1) parking space for each three and one-half (3 1/2) seats based on the design capacity of the main assembly hall.
- (f) Theater or Athletic Field: At least one (1) parking space for each six (6) seats of design capacity.
- (g) Community Center, Post Office, Y.M.C.A., Y.W.C.A., Health Spa, Physical Culture Studio, Pool Halls, Libraries, Private Clubs, Lodges, Museums: Ten (10) spaces plus one (1) for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet of floor area in the principal structure.
- (h) Hospital: At least one (1) parking space for each three (3) hospital beds.
- (i) Golf Courses, Country Clubs, Tennis Clubs, Public Swimming Pools: Twenty (20) spaces plus one (1) for each three hundred (300) square feet in excess of one thousand (1,000) square feet of floor space in the principal structure.
- (j) Day Nurseries: Two (2) plus one (1) for each five hundred (500) square feet in excess of one thousand (1,000) square feet of floor space in the principal structure.

(k) Office Buildings and Professional Offices having less than 6,000 square feet of floor area: One (1) parking space for each one hundred and fifty (150) square feet of floor area.

(l) Office Buildings and Professional Offices having 6,000 square feet or more of floor area, Banks, Savings Institutions: At least one (1) parking space for each two hundred (200) square feet of floor area.

(m) Drive-In Establishments: At least one (1) parking space for each fifteen (15) square feet of floor area in the building.

(n) Bowling Alley: At least eight (8) parking spaces for each alley.

(o) Motor Fuel Stations and Motor Station Convenience Stores: A minimum of four (4) outside parking plus three (3) additional outside parking spaces for each enclosed service stall shall be provided. One (1) additional outside parking space shall be provided for each one hundred and fifty (150) square feet of floor space devoted to retail sales in a motor fuel station convenience store.

(p) Retail Sales and Service Establishments: At least one (1) off-street parking space for each one hundred (100) square feet of net floor area.

(q) Restaurants, Cafes, Bars, Taverns, Night Clubs: At least one (1) for each eighty (80) square feet of public floor area.

(r) Furniture Store, Appliance Store, Warehouse under 15,000 square feet of floor area, Auto Sales, Grain Houses, Kennels and Studios: At least one (1) parking space for each five hundred (500) square feet in excess of the first five hundred (500) square feet of floor area in the principal structure.

(s) Auto Repair - Major, Bus Terminals, Taxi Terminals, Boat and Marine Sales, Bottling Companies, Shop for Trade employing six (6) people or less, Garden Supply Stores, Building Material Sales: At least eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1,000) square feet.

(t) Public Auction House, Golf Driving Range, Miniature Golf, Outdoor Amusement Facility and Similar Uses: At least fifteen (15) off-street parking spaces, plus one (1) additional space for each three hundred (300) square feet of floor area over two thousand (2,000) square feet.

(u) Skating Rinks, Dance Halls: At least one hundred (100) off-street parking spaces plus one (1) additional space for each fifty (50) square feet over two thousand (2,000) square feet.

(v) Manufacturing, Fabrication or Processing of a Product or Material: At least four (4) off-street parking spaces plus one (1) additional space for each eight hundred (800) square feet of building. One (1) additional off-street parking space shall be provided for each twenty-five

hundred (2,500) square feet or fraction thereof of land devoted to outside storage.

(w) Warehouse over 15,000 square feet of floor area, Storage Handling of Bulk Goods: At least one (1) for each two thousand (2,000) square feet of floor area.

(x) Bed and Breakfast Establishments: At least one (1) off street parking space for each two (2) beds plus one for each two (2) employees or proprietors.

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

(a) Location: All loading berths shall be twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. Loading berths shall not occupy any yard requirement bordering a street.

(b) Size: Unless otherwise specified, the first berth required shall not be less than twelve (12) feet in width and fifty (50) feet in length. Additional berths shall be not less than twelve (12) feet in width and twenty-five (25) feet in length. All loading berths shall maintain a height of fourteen (14) feet or more.

(c) Access: Each loading berth shall be located with a means of access to a public street or alley in a manner which will least interfere with traffic.

(d) Surfacing: All loading berths and accessways shall be improved with a concrete or bituminous surface, or with a crushed rock or an equally durable surface which shall be maintained so as not to create a nuisance due to dust.

(e) Accessory Uses: Any area allocated as a required loading berth or access drive so as to comply with the terms of this Zoning Ordinance shall not be used for the storage of goods or inoperable vehicles nor be included as a part of the area necessary to meet the off-street parking area requirements.

(f) Number of required Loading Berths:

1. Auditorium, Convention Hall, Public Buildings, Hospitals, Schools, Hotels, Sports Arena: At least one (1) loading berth twenty-five (25) feet in length for each building having one thousand (1,000) to ten thousand (10,000) square feet of floor area. For these buildings having ten thousand and one (10,001) square feet of floor space to one hundred thousand (100,000) square feet of floor area or fraction thereof, one (1) additional loading berth fifty (50) feet in length.

2. Retail Sales and Service Stores, Offices: At least one (1) loading berth twenty-five (25) feet in length for each building having six thousand (6,000) square feet of floor area or more plus one (1) additional loading berth fifty (50) feet in length for each twenty-five thousand (25,000) square feet of floor area up to one hundred thousand (100,000) square feet.

3. Manufacturing, Fabrication, Processing and Warehousing: At least one (1) loading berth twenty-five (25) feet in length for each building having three thousand (3,000) square feet or fraction thereof plus one (1) loading berth fifty (50) feet in length for each twenty-five thousand (25,000) square feet of floor area up to one hundred thousand (100,000) square feet plus one (1) loading berth for each fifty thousand (50,000) square feet of floor area over the first one hundred thousand (100,000) square feet of floor area. The operator of the business shall have the option to declare the length of the berth required for buildings over one hundred thousand (100,000) square feet of floor area, except that one-half or more of the total number of berths required shall be fifty (50) feet in length.

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

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

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

(a) The proposed joint parking space is within five hundred (500) feet of all of the uses it will serve.

(b) The applicant shall show that there is no substantial conflict in the principal operation hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

(c) A properly drawn legal instrument approved by the City Council executed by the parties concerned, for joint uses of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three-party agreement including the City and all private parties involved.

400.09 EXCEPTIONS AND MODIFICATIONS TO STANDARDS AND REGULATIONS

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

of any other applicable codes.

400.09 (2) Height Limitations. Height limitations as set forth elsewhere in this Zoning Ordinance may be increased by fifty (50) per cent when applied to the following: Belfries, Smoke stacks, Elevators, Flag poles, Church spires, Water towers or Cooling towers. Heights in excess of those allowed under this section shall be permitted only by a conditional use permit granted by the Common Council upon the Council's determination that such structure would not adversely affect the adjoining property.

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

400.09 (4) Rear Yards In Commercial or Industrial Districts. In any "C-G", "C-DT" or "IP" District, rear yard requirements on properties abutting duly dedicated public alleys may be waived by the Building Inspector.

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

(a) For a lot in an "R-A" District: any use permitted in the "R-1" District.

(b) For a lot in an "R-1" District: any use permitted in the "R-2" or R-3/4 District.

(c) Notwithstanding the foregoing, any transitional use authorized under this paragraph shall not extend beyond one (1) lot of record nor more than seventy-five (75) feet into an abutting lot, whichever is less.

400.10 INSTALLATION OF ANTENNAS REGULATED

400.10 (1) Permit Required. No person shall erect, install or place any antenna used or intended for transmitting electromagnetic signals of any description upon any land or the exterior of any building within the City of Richland Center except with a permit therefore and subject to all other conditions and restrictions set forth in this subchapter. **[Amended by Ord 2014-19]**

400.10 (2) Application for Permit. Application for a permit to erect, install or place an antenna of the type described in (1) above shall be made in writing to the City Zoning Administrator, on such form as he or she may require. Each application shall include a complete set of plans and specifications for the antenna, mounting, and all connected wires, cables, conduits and conductors, and shall also include a plot plan showing the location of the proposed installation in relation to adjoining streets, alleys, lot lines and buildings. The fee for application

for such a permit shall be the same as the fee for a building permit. Determination as to whether or not such permit shall issue shall be made by the same procedure as is utilized for building permit applications in the City of Richland Center. **[Amended by Ord 2014-19]**

400.10 (3) Limitation to of Transmitting Antennas to Rear Yards in Residential Zoning Districts. It is specifically found that the installation of transmitting antennas where the same can be readily perceived from the public streets has a negative impact on the appearance and value of properties in residential areas and may interfere with the peaceful use of the properties of neighboring landowners. Accordingly, in order to maintain the neighborhood esthetics in the several residential zoning districts, no permit shall issue and no antenna of the type described in (1) above shall be erected, installed or placed on any lot in an "R-1", "R-2", "R-3" or "R-O" District except in the rear yard of the premises, and not less than ten (10) feet from either side lot line and or the rear lot line. **[Amended by Ord 2014-19]**

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

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

NOTE: Former 400.10 (6) was repealed by Ord 2014-19. Former (7) was renumbered (6) and amended and new (7) was adopted

400.10 (6) Variance in Case of Hardship. Any land owner whose rear yard is insufficient in size, or where for other reasons not attributable to the act of the landowner the installation of an antenna of the types described in (1) above is not feasible, may apply for a variance from the provisions of this subchapter. No such variance shall be granted unless there is a finding made that no such conforming antenna installation is feasible in the rear yard of the premises and that the proposed antenna installation will not have a negative impact on the appearance and value of properties in the area of the proposed installation.
[Renumbered and amended by Ord 2014-19]

400.10 (7) This chapter shall not be deemed to apply to antennas which have a diameter of 2 feet or less used solely for the reception of satellite-delivered signals.

400.11 SUPREMACY AND SEVERABILITY

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

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

400.12 CONDITIONAL USE PERMITS FOR CIVIC SIGNS AND INFORMATION BOOTH

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

400.12 (2) Notwithstanding any provision herein to the contrary, any governmental unit, civic group, association of business persons or service club may apply for a conditional use permit which, if issued and approved, shall permit the placement of one or more temporary information booths in designated locations within the city limits of the City of Richland Center, for the purpose of disseminating information as to any attractions or services available in the City and/or give any other information beneficial to tourists, travelers, newcomers to or potential residents of the City, regardless of whether such booth is placed in a residential zoning district or any other zoning district. The Common Council may, in granting such a permit, specify the size or design of such booths. Any application for the placement of such a booth shall be joined in or assented to in writing by the legal owners of the lands upon which such booth or booths shall be placed.

400.12 (3) Notwithstanding any provision herein to the contrary, any governmental unit, civic group, association of business persons or service club may apply for a conditional use permit which, if issued and approved, shall permit the utilization of one or more designated locations in any Residential-Office, Commercial or Industrial zoning district within the city limits of the City of Richland Center, for the purpose of disseminating information as to any attractions or services

available in the City and/or give any other information beneficial to tourists, travelers, newcomers to or potential residents of the City. The Common Council may, in granting such a permit, place any restrictions on the use of any location for said purposes as the Council deems appropriate. Any application for the use of a property for any of the aforesaid purposes shall be joined in or assented to in writing by the legal owners of the lands upon which such booth or booths shall be placed.

400.13 EFFECTIVE DATE

400.13 (1) Chapters 400 through 412 shall be in full force and effect from and after a public hearing, adoption by the City Council and publication or posting as required by law.

400.13 (2) Subsequent amendments to Chapters 400 through 412 shall be in full force and effect from and after a public hearing, adoption by the City Council and publication or posting as required by law of the amending ordinance.

Date Chapters 400 through 411 Received by City Clerk and Opened for Public Inspection: 1-31-93

Publication Dates of Notice of Public Hearing: 4-15-93 & 4-22-93

Date of Public Hearing: 5-4-93

Date Passed: 5-4-93

Date of Publication of Enacting Ordinance: 5-13-93