

# ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

## CHAPTER 410

### SPECIFIC REGULATIONS AFFECTING LANDS IN AN "IP" INDUSTRIAL PARK DISTRICT

**410.01 APPLICABILITY OF CHAPTER 400 TO AN "IP" INDUSTRIAL PARK DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "IP" Industrial Park District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**410.02 PERMITTED USES IN AN INDUSTRIAL PARK DISTRICT.** The following uses are permitted in an "IP" Industrial Park District:

- (1) Assembly of goods from parts fabricated at another location, whether assembly is of final products or of sub-systems or intermediate products, but not including fabrication of parts.
- (2) Automobile painting, upholstering, tire recapping and major repair when conducted within a completely enclosed building.
- (3) Bottling works.
- (4) Bus terminals and maintenance garages.
- (5) Cold storage plants.
- (6) Fabrication from wood, metal, plastics or other raw materials of parts or of finished products; this shall not include sawmills, steel mills, foundries, chemical plants or similar uses involving the actual manufacture or compounding of such raw materials.
- (7) Laundry - commercial, but not a laundromat or self-service facility.
- (8) Machine shops.
- (9) Paint mixing.
- (10) Paper products processing from paper previously manufactured at another location.
- (11) Pattern making.
- (12) Printing and/or publishing.
- (13) Radio and television broadcasting.
- (14) Research laboratories.
- (15) Tool and die making.
- (16) Trade school.
- (17) Warehousing and wholesaling conducted within a building.

**410.03 PERMITTED ACCESSORY USES IN AN INDUSTRIAL PARK DISTRICT.** No accessory structure or use of land shall be permitted in an "IP" Industrial Park District except

for one or more of the following:

- (1) On-premises signs as regulated by this Chapter.
- (2) Off-street parking and loading as regulated by this Chapter.
- (3) Offices operated in conjunction with a permitted principal use operated on the same lot.
- (4) Detached accessory buildings, provided that all accessory buildings shall conform to the requirements of the main building and accessory buildings shall be permitted only when their use is necessary for and incidental to the primary use permitted on each lot. Accessory buildings shall conform to all the requirements of the main buildings with respect to developed lot area, side yards, front yards, rear yards and class of construction.

**410.04 CONDITIONAL USES IN AN INDUSTRIAL PARK DISTRICT.** None of the following uses shall be permitted in an "IP" Industrial Park District except with a Conditional Use Permit:

- (1) Factory outlet store.
- (2) Buildings of the City, County, State or Federal government.
- (3) Essential service structures.
- (4) Bakery, Cannery or other processing of foods for human consumption.
- (5) Contractor's yards when conducted within a building or a completely fenced area.
- (6) Creamery, cheesemaking or other processing of dairy products.
- (6a) Day Care Center [Added by Ord 2000-7]
- (7) Essential service structures.
- (8) Foundry, steel mill, chemical plant or similar facility for the manufacture, processing or compounding of raw materials.
- (9) Radio or television transmission towers.
- (10) Restaurant.
- (11) 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.
- (12) Open sales lot.
- (13) Open storage.
- (14) Offices not operated in conjunction with a permitted use conducted on the same lot.
- (15) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use, such as a guard shack.
- (16) Truck and freight terminals.
- (17) Accessory structures which are not permitted accessory uses.
- (18) Any other use for which the City Council grants a conditional use permit.
- (19) Recycling facility provided all operations are conducted within a building or fenced area that shall visually conceal all operations from adjoining properties and streets.. The fence shall be of a solid construction complementary to the main building and shall be approved as part of the conditional use permit. [Added by Ord 2002-12]
- (20) Distribution warehouse. [Added by Ord 2008-1]

(21) Storage warehouse. [Added by Ord 2008-1]

**410.05 BUILDING HEIGHT, SETBACK, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

**(1) BUILDING HEIGHT:** No structure or building shall exceed a height of forty (40) feet except as provided for in Section 400.09 (2) of this Zoning Ordinance.

**(2) SIDE YARD:** A side yard not abutting a street shall not be less than twenty (20) feet in width. A side yard which abuts a public street shall be not less than fifty (50) feet.

**(3) SET BACK FROM STREET:** The nearest point of any structure to such right-of-way line shall be set back not less than fifty (50) feet from the right-of-way line of any public street.

**(4) REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet from the lot line.

**(5) TRAFFIC VISIBILITY TRIANGLE:** No fences, structures, trees, bushes, other plantings or other objects other than lawn grass, sidewalks or city utility system components or street signs, traffic signs or other signs installed by the city shall be permitted, placed or maintained within any area of a lot or boulevard abutting intersecting streets within the triangular area described as follows:

A triangle, the sides of which are determined by measuring to points 33 feet along the curb lines of each of the two intersecting streets from the point of intersection of the lines of the two curbs, and the base of which is a line connecting such two points. The measurement of a curb line shall be made at the top edge of the curb where the back of the concrete curb meets the boulevard. For purposes of such measurement, where the area of the curb intersection is rounded or set back to enable handicapped access to the sidewalks, the curb lines shall be extended to the point where the extended lines intersect. Where there is no curb installed, the measurement shall be made along the edge or edges of the paved street roadway(s) closest to the lot line of the abutting property. [From 400.04 (7)(a)]

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

No access drive or curb cut shall be located within such traffic visibility triangle.

**(6) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** A

detached accessory structure shall be no closer than ten feet (10') from the side or rear lot line, unless such side or rear lot line abuts a street, in which case the accessory building shall be subject to the same setback requirements from such street as apply to the primary structure.

**410.06 CONSTRUCTION STANDARDS FOR BUILDINGS, PLANS AND BUILDING MATERIALS IN THE IP DISTRICT.**

(1) No improvements shall be erected, placed or altered on any building site or lot until the building and all other improvements, plans, specifications, including front elevations and/or architect's rendering, and a lot plat have been submitted to and approved by the City as part of the requirements for obtaining a zoning permit. Such submission and approval shall be condition precedent to the issuance of a zoning permit in an "IP" Industrial Park District.

(2) Any building erected within an "IP" Industrial Park District shall be of concrete masonry construction, steel, its equivalent, or better. The architectural treatment on the sides of buildings facing any public street shall be face brick, architectural stone, prefinished metal panels, wood or glass. Exposed cement block shall not be used on any wall facing a street or public highway. Other materials which the City finds acceptable may be used when their use has been preapproved by the City in writing.

(3) All building plans and improvements shall be approved the City of Richland Center and shall be in conformity with all administrative rules of the Wisconsin Department of Industry, Labor and Human Relations.

**410.07 LANDSCAPING, DRAINAGE AND ELEVATION REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

**(1) LANDSCAPING.**

(a) All sites occupied by a building shall be landscaped within the limits required herein. Such landscaping shall include maintenance of a grass lawn, planting of trees, shrubs, ground cover and other customary landscape treatment for all yards.

(b) Such landscaping shall include all front yards and all other yards abutting any public street or highway.

(c) The owner of any real estate which abuts any street or sidewalk, and upon which real estate there are standing trees, shall cause all limbs and branches of such trees to be kept cut or trimmed off to a height of not less than thirteen (13) feet directly above the surface of such street or to a height of not less than eight (8) feet directly above the surface of such sidewalk. Said duty of the owner applies also to trees located upon any boulevard strip (the strip of land within the street right-of-way but outside the curblin or paved roadway of the street) abutting such owner's

real estate.

(d) The owner of vacant land shall be responsible for keeping such land free of noxious weeds. The owners of all lands, vacant or improved, shall keep all grasses growing on such lands mowed to a height less than eight inches (8") above ground level.

(e) The plan for landscaping and drainage shall be submitted to the City for approval. All drainage of any one lot or site must conform to the requirements of and be approved by the City of Richland Center. However, the City of Richland Center shall not assume any liability for any harm caused by drainage plans approved by the City.

**(2) DRAINAGE.** 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, in accordance with the overall drainage plan of the industrial park.

**(3) ELEVATIONS.** The City of Richland Center shall establish elevations for the streets located within an "IP" Industrial Park District. In addition the City will also establish a range of elevations for the main floor slab and parking lot areas of any given permitted use. The owner shall develop his property within such range of elevations. The City Council may grant a conditional use permit to allow construction which falls outside such range of elevations.

**(4) ADDITION OR REMOVAL OF FILL.** No person shall remove or add any fill to a lot in an "IP" Industrial Park District without first securing a permit therefor from the City.

#### **410.08 PARKING AREA REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

**(1) REQUIRED NUMBER OF OFF-STREET PARKING SPACES.** Not fewer than one (1) off-street parking space or stall shall be provided for every three (3) employees. If a required parking area consists of more than 5 parking spaces or stalls, it shall be suitably marked as such parking area.

**(2) SURFACING AND DRAINAGE OF PARKING AREAS.** Off-street parking 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 in accord with the overall drainage plan for the industrial park.

**(3) LOCATION OF PARKING AREAS.** All accessory off-street parking facilities required herein shall be located as follows:

(a) Spaces shall be located within four hundred (400) feet of a main entrance to the principal

building served.

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

**(4) STREET ACCESS TO PARKING AREAS.** All off-street parking spaces shall have access off driveways and not directly off any public street. Each driveway opening shall be not less than twenty-four (24) feet nor more than thirty-five (35) feet in width at the line where it joins the roadway of a public street.

**(5) PARKING AREA DIRECTIONAL SIGNS.** Every parking lot shall be laid out and suitably signed so as to provide for orderly movement of traffic within and upon entering or leaving such parking lot.

**(6) LIGHTING OF PARKING AREAS.** Off-street parking areas may be lighted, but the type and location of lighting used to illuminate off-street parking areas shall be such that it shall not pose a hazard or be an annoyance to persons using any public street occupied adjacent land.

**(7) REDUCTION OF PARKING AREAS.** Off-street parking spaces shall not be reduced in number unless the number of spaces or stalls remaining after such reduction meets or exceeds the required number as set forth herein.

#### **410.09 OFF-STREET LOADING REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

**(1) REQUIRED NUMBER OF OFF-STREET LOADING SPACES.** 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).

**(2) LOCATION OF OFF-STREET LOADING.** 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 required yard area which borders a public street.

**(3) SIZE OF OFF-STREET LOADING AREAS.** Unless otherwise specified, the first berth required shall not be less than twelve (12) feet in width and sixty (60) 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 clear height of fourteen (14) feet or more.

**(4) ACCESS TO LOADING AREAS.** Each loading berth shall be located with

approximate means of access to a public street or alley in a manner which will least interfere with traffic. Traffic into and out off-street loading areas shall in all cases be forward moving with no backing into streets. No access drive or curb cut serving an off-street loading area shall be located within twenty (20) feet of any two intersecting street right-of-way lines, nor shall it encroach upon the full radius of corner curbing. No loading or unloading operations shall be carried on upon any public street under any circumstances.

**(5) SURFACING OF LOADING AREAS.** All loading berths and accesses thereto 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 in accord with the overall drainage plan for the industrial park.

**(6) USE OF OFF-STREET LOADING AREAS.** Any area allocated as a required off-street loading area or access drive thereto shall not be used for the storage of goods or vehicles except during actual loading or unloading operations, nor shall such an area be included as a part of the area necessary to meet the off-street parking area requirements.

**(7) NUMBER OF REQUIRED OFF-STREET LOADING BERTHS.** There shall be provided one (1) off-street loading berth for each 25,000 square feet of floor space or fraction thereof. Additional loading berths may be established at the option of the property owner.

#### **410.10 SIGN REGULATIONS APPLICABLE IN AN INDUSTRIAL PARK DISTRICT**

(1) Notwithstanding any other Chapter or ordinance, signs in an "IP" Industrial Park District shall be governed by the following regulations and all signs not specifically permitted herein are prohibited.

(2) Permitted signs shall be business signs only and shall only advertise or announce the identity of the business conducting a use within the building to which the sign is affixed.  
**[Amended by Ord 2005-5]**

(3) Flat wall signs or signs painted on the face of a marquee wall shall not be permitted. No sign shall extend above or beyond a building wall to a depth of more than one foot from the front of the structure, except that signs on a marquee shall be permitted more than one foot from the face of a building but not beyond the face of the marquee. No sign shall be painted upon any building wall; any permitted wall-mounted sign shall be a fixture sign.

(4) One sign shall be allowed on the front of any one building on the lot. One additional sign shall be allowed on either the side or back of the same building, at the owners option. No signs shall be allowed on any accessory building, except standard signs notifying of hazardous materials therein.

- (5) No off-premises sign shall be permitted in any Industrial Park District.
- (6) No sign of any description shall be permitted within the traffic visibility triangle except street signs, traffic signs or other signs installed by the city
- (7) Any sign located in the direct line of vision of any illuminated traffic control device shall be illuminated only by a clear white light.
- (8) Signs may be illuminated for 24 hours daily.
- (9) Flashing or blinking signs or flashing or blinking sign lights shall not be permitted under any circumstances. Fluttering or undulating signs, pennants or streamers shall not be permitted under any circumstances.
- (10) No sign shall be permitted which in any way obstructs the clear view of any street intersection, driveway or walkway.
- (11) All electric signs shall be governed by an electrical permit and conform to the National Electrical Code.
- (12) No advertising device shall be erected, constructed, relocated or maintained if such advertising device because of its location, size, nature or type, constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles or creates a condition which endangers safety or property.
- (13) A maximum of one (1) unlighted sign advertising the fact that the site or a structure thereon is for sale or rent shall be allowed, with a maximum size of thirty-two (32) square feet.

#### **410.11 PERFORMANCE STANDARDS APPLICABLE IN AN INDUSTRIAL PARK DISTRICT.**

**(1) PERFORMANCE STANDARDS IN GENERAL.** 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 zoning 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.

**(2) REFUSE.** All waste material, debris, refuse, unused construction materials, or garbage shall be kept in an enclosed building or in an area visually screened from access streets and from adjacent occupied properties. The owner of vacant land shall be responsible for keeping such land free of visible refuse and noxious weeds.

**(3) EXPLOSIVES.** 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 those for which the Common Council shall have granted a Conditional Use Permit allowing such activities. If such a Conditional Use Permit is issued, such materials shall be stored and utilized in conformity with all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the storage or utilization of such explosives shall also constitute a violation of this Zoning Ordinance.

**(4) FLAMMABLE OR HAZARDOUS MATERIALS.** Any flammable liquids or hazardous materials shall be stored and utilized in conformity with all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the storage or utilization of flammable liquids or hazardous materials shall also constitute a violation of this Zoning Ordinance.

**(5) RADIATION AND ELECTRICAL EMISSIONS.** 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.

**(6) VIBRATION.** No use 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.

**(7) TRASH BURNING.** No burning of trash, cardboard, waste paper, wood scraps or other refuse, either within or outside an incinerator, shall be carried on in any District at a location which is within three hundred feet (300') of any building or structure which is being occupied as a residence.

**(8) 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.

**(9) SMOKE AND PARTICULATE AIR CONTAMINANTS.** No smoke or other particulate air contaminants shall be released unless such release shall be permitted under all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the release of smoke or other particulate air contaminants shall also constitute a violation of this Zoning Ordinance.

**(10) MALODOROUS MATERIALS AND PROCESSES.** No use shall be carried on which produces any noxious, unpleasant or malodorous condition which is detectable at the lot line without the use of instruments.

**(11) NOISE.** No use shall be carried on in any manner which produces an aggregate sound intensity level which at any point on the lot line or boundary line of any individual parcel or on the boundary of the zoning district in which the use is carried on, an aggregate sound intensity level of any operation or of any plant, business or other operation (other than the operation of motor vehicles or other transportation facilities) exceeds the decibel levels in the designated octave bands shown in the following table:

**MAXIMUM PERMITTED SOUNDED LEVEL IN DECIBELS**

Octave Band [Frequency in Cycles per second]	Along Lot Line or Parcel Boundaries	Along Industrial Park Boundaries
0 to 75 .....	72 .....	79
76 to 150 .....	67 .....	74
151 to 300 .....	59 .....	66
301 to 600 .....	52 .....	59
601 to 1200 .....	46 .....	53
1201 to 2400 .....	40 .....	47
2401 to 4800 .....	34 .....	41
above 4800 .....	32 .....	39

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured to standards prescribed by the American Standards Association or by any other method of measuring which is commonly used for such purpose and which is generally deemed to be scientifically reliable. Impulsive noises shall be subject to the performance standards hereinafter prescribed providing that such noises shall be capable of accurate measurement with the equipment utilized.

**(12) INDUSTRIAL WASTE MATERIAL.** Industrial waste material shall not be discharged onto the ground or washed nor deposited directly or indirectly onto any public street, into the public storm sewer system nor deposited, directly or indirectly, into the sanitary sewer system. Any violation of the Federal Clean Water Act, of any applicable Wisconsin Statute or of

any duly promulgated provision of the Wisconsin Administrative Code in regard to the storage or disposal of industrial waste material shall also constitute a violation of this Zoning Ordinance. The foregoing shall not be deemed to prohibit the City of Richland Center from entering into agreements with users whereby industrial wastes are accepted into the public sewer system for treatment, or the deposition of such materials into the sewer system pursuant to such a specific agreement with the City.

**(13) MAINTENANCE OF STRUCTURES, LANDSCAPING AND FENCES.** All structures, 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. Any damage to or deterioration thereof, whether caused by act of man or by act of God shall be promptly repaired.