

ORDINANCE 2017-5

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE RELATING TO RENUMBERING AND COMBINING SECTIONS TO MAKE THE ORDINANCE MORE READABLE; AMENDING CERTAIN EXISTING DEFINITIONS; ADDING ADDITIONAL DEFINITIONS; CHANGING REQUIRED NOTICE TO NEIGHBORING PROPERTY OWNERS OF CONDITIONAL USE PERMIT APPLICATIONS; INCREASING THE PERMISSIBLE HEIGHT OF FENCES IN INDUSTRIAL DISTRICTS; AND REGULATING THE PLACEMENT OF PORTABLE GARAGES, PARKING CANOPIES AND SHIPPING CONTAINERS IN THE CITY

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

Section 400.03 (Definitions) is renumbered Section 400.12

SECTION 2:

Sections 400.04(1) and 400.11 are combined and are renumbered Section 400.03 to read as follows:

400.03 APPLICATION OF ZONING ORDINANCE, SUPREMACY AND SEVERABILITY.

(1) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(2) Where the conditions imposed by any provision of this Zoning Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

(3) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Zoning Ordinance.

(4) 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.

(5) 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.

SECTION 3:

Section 400.12 (Civic Signs) is renumbered Section 400.11

SECTION 4:

The following definitions are amended to read as shown:

400.12 (3) Accessory Use, Building or Structure: A non-residential use, building or structure, subordinate to and serving the principal use, building or structure on the same lot and incidental to the principal use, building or structure. Examples are private garages, gazebos, garden green houses and utility sheds.

400.12 (4) Addition: New construction performed on a building which increases the outside dimensions of the building [SPS 320.07(2)].

400.12 (7) Alteration: An enhancement, upgrading or substantial change or modification other than an addition or repair to a building or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a building. [SPS 320.07(4)]

400.12 (20) Carport: A wood framed permanent structure used for storing motorized vehicles that is attached to a dwelling and that has at least 2 sides completely unenclosed. [SPS 320.07(10t)]. A carport structure shall be subject to the restrictions and requirements of the minimum open space requirements of this Zoning Ordinance.

400.12 (48) First Floor: The first floor level above any ground floor or basement or, in the absence of a ground floor or basement, means the lowest floor level in the building. [SPS 320.07(34e)]

400.12 (50) Floor Area of a Room: The area of a room that has a ceiling height of at least 7 feet. Rooms with ceilings less than 7 feet in height for more than 50% of the room are not considered to be floor areas [SPS 320.07(34m)].

400.12 (52a) Garage: An enclosed permanent structure designed to be used primarily for storing one or more motor vehicles and having one or more doors large enough to allow passage of a passenger automobile.

400.12 (53) Garage, Private: A garage which is accessory to a primary residential structure on the same lot, whether attached or detached from the primary structure, which is designed to be used primarily for storing passenger vehicles owned by the owner or occupant of the primary residential structure on the lot.

400.12 (54) Garage, Public: Any building or premises, other than a private garage or a storage garage, where the business of equipping, repairing, servicing, rebuilding, renting, selling or storing motor-driven vehicles for members of the public is carried on.

400.12 (55) Garage, Storage: Any enclosed structure, not accessory to a residential use on the lot, which is used for the storage of any of the following items held for personal use and not held for resale: motorized vehicles, boats, campers or similar personal recreational equipment or other personal property and where no equipment, repair parts, fuel, grease or oil is sold to members of the public and vehicles are not equipped, serviced, repaired, rented or sold to members of the public.

400.12 (65a) Kitchen: An area used, or designated to be used, for the preparation of food [SPS 320.07(46)].

400.12 (94) Open Sales Lot: A lot or parcel of land used or devoted in whole or in part to business of the displaying goods for sale, rent or lease or for advertising or trade where such goods are not enclosed within a building.

400.12 (104) Principal Use: The primary or predominate use of a lot or parcel of land or of a building or structure, to which any other uses on the lot or parcel are accessory or subordinate. A principal use may be either permitted or conditional. A principal use which is a conditional use shall require a conditional use permit.

400.12 (112) Repair: The act or process of restoring to original soundness, including but not limited to redecorating, refinishing, non-structural repairs or maintenance repairs, or the replacement of existing fixtures, systems or equipment with a substantially equivalent fixture, system or equipment [SPS 320.07(61)].

400.12 (132) Use-Principal: The primary or predominate use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional. A principal use which is a conditional use shall require a conditional use permit.

SECTION 5:

The following new definitions are adopted:

400.12 (52b) Garage, Portable: A structure comprised of a frame, typically metal, covered by a non-rigid covering of polyvinyl, canvas or similar soft material which extends to ground level, regardless of whether it is used for parking of one or more vehicles, for storage of other personal

property or for any other purpose.

400.12 (86a) Mobile service: Has the meaning given in 47 USC 153 (33).

400.12 (86b) Mobile service facility: The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

400.12 (86c) Mobile service support structure: A freestanding structure that is designed to support a mobile service facility.

400.12 (95a) Parking Area: A portion of a lot or parcel of land used for the parking of motor vehicles as an accessory use to a primary use on the same lot or parcel.

400.12 (95b) Parking Canopy: A structure comprised of a frame, typically metal, with a roof made of sheet metal or of a non-rigid substance such as polyvinyl, canvas or similar soft material extending part way down the sides or ends, with the one or more and/or ends open, regardless of whether it is used for parking of one or more vehicles or for storage of other personal property or for any other purpose.

400.12 (95c) Parking Lot: A lot or parcel of land used for the parking of motor vehicles on a lot or parcel of land which does not contain a primary structure or use to which the parking of vehicles is accessory.

400.12 (103a) Portable Garage: A structure comprised of a frame, typically metal, covered by a non-rigid covering of polyvinyl, canvas or similar soft material which extends to ground level, regardless of whether it is used for parking of one or more vehicles, for storage of other personal property or for any other purpose.

400.12 (114a) Shipping Container: A large metal container enclosed on all sides designed and built for intermodal freight transport. This definition includes and is synonymous with cargo or freight container, ISO container, sea or ocean container, container van or conex box.

SECTION 6:

Paragraph 400.05(7) (c) relating to notification of neighboring property owners of a conditional use application is amended to read:

(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 **300** 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]**

SECTION 7:

Paragraph 400.04(6)(e) relating to permitted fences in IND Industrial Districts is created to read:

(e) Fences in an IND Industrial Zoning District may be eight feet (8') or less in height if such fence is located more than 20 feet from the nearest point of the right-of-way of any public street.

SECTION 8:

The following provisions relating to the placement of parking canopies are adopted to read as follows:

402.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an R-1 zoning district.

403.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an R-2 zoning district.

404.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an R-3/4 zoning district.

405.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an R-5 zoning district.

406.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an R-O zoning district.

407.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in a C-G zoning district.

408.03 (7) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in this zoning district. [C-DT District]

410.03 (5) A parking canopy may not be used as an accessory building nor shall a parking canopy be placed for any other purpose on a lot in an I-P zoning district.

SECTION 9:

The following paragraphs relating to the placement of portable garages are adopted to read as follows:

402.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an R-1 zoning district.

403.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an R-2 zoning district.

404.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an R 3/4 zoning district.

405.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an R-5 zoning district.

406.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an R-O zoning district.

407.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in a C-G zoning district.

408.03 (8) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in a C-DT zoning district.

410.03 (7) A portable garage may not be used as an accessory building nor shall a portable garage be placed for any other purpose on a lot in an IP zoning district.

SECTION 10:

The following paragraphs relating to the placement of shipping containers are amended or created to read as follows:

401.03 (5) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R-A zoning district nor shall a shipping container be placed for any other purpose on a lot in an R-A zoning district.

402.03 (3) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R-1 zoning district nor shall a shipping container be placed for any other purpose on a lot in an R-1 zoning district.

403.03 (3) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R-2 zoning district nor shall a shipping container be placed for any other purpose on a lot in an R-2 zoning district.

404.03 (3) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R-3/4 zoning district nor shall a shipping container be placed for any other purpose on a lot in an R-3/4 zoning district.

405.03 (3) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R-5 zoning district nor shall a shipping container be placed for any other purpose on a lot in an R-5 zoning district.[R-5 District]

406.03 (3) One accessory building other than a private garage which does not exceed 120 square feet in area. A shipping container shall not be used as an accessory building in an R/O zoning district nor shall a shipping container be placed for any other purpose on a lot in an R/O zoning district.

407.04 (43) Placement of a shipping container in a C-G General Business zoning district is a conditional use which shall require a conditional use permit and may only be an accessory use to a primary use on the property. Such accessory use permit which may place limitations on the location on the lot and/or the duration of such placement.

408.03 (7) Shipping containers may not be placed in the C-DT Central Business zoning district.

409.03 All accessory uses are permitted in an IND zoning district including the placement of shipping containers.

410.04 (22) Placement of a shipping container in an I-P Industrial Park zoning district is a conditional use which shall require a conditional use permit and may only be an accessory use to a primary use on the property. Such accessory use permit which may place limitations on the location on the lot and/or the duration of such placement.

SECTION 11:

The following paragraphs, relating to making mobile service facilities and mobile service support structures conditional uses in certain zoning districts, are adopted to read as follows:

401.04 (13) Mobile service facilities and mobile service support structures. [R/A District]

402.04 (14) Mobile service facilities and mobile service support structures. [R-1 District]

403.04 (13) Mobile service facilities and mobile service support structures. [R-2 District]

404.03 (3) Mobile service facilities and mobile service support structures. [R-3/4 District]

405.04 (18) Mobile service facilities and mobile service support structures. [R-5 District]

406.04 (21) Mobile service facilities and mobile service support structures. [R/O District]

407.04 (43) Mobile service facilities and mobile service support structures. [C/G District]

408.3 (7) Mobile service facilities and mobile service support structures. [C/DT District]

409.04 (16) Mobile service facilities and mobile service support structures. [IND District]

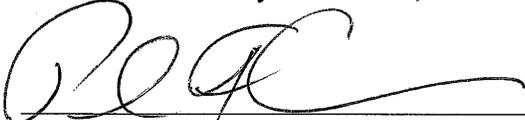
410.04 (22) Mobile service facilities and mobile service support structures. [IP District]

SECTION 12: EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication.

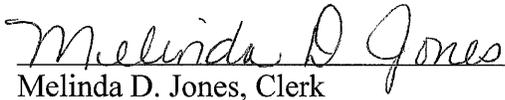
Date of Public Hearing: October 3, 2017

Enacted the 3rd day of October, 2017



Paul F. Corcoran, Mayor

ATTEST:



Melinda D. Jones, Clerk