

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 401

SPECIFIC REGULATIONS AFFECTING LANDS IN THE "R-A" RESIDENTIAL-AGRICULTURAL DISTRICT

401.01 APPLICABILITY OF CHAPTER 400 TO AN "R-A" RESIDENTIAL-AGRICULTURAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-A" 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.

401.02 PERMITTED USES IN AN "R-A" DISTRICT. The following uses are permitted in an "R-A" District:

- (1) Single family dwellings.
- (2) General crop farming consisting of the growing of field crops except farms operated in whole or in part for the disposal of garbage and rubbish, offal, or sewage. The keeping of farm livestock is not a permitted use in this District.
- (3) Stands for the sale of agricultural products provided said products are at least in part raised on the premises.
- (4) Public parks and playgrounds.
- (5) Commercial greenhouses and nurseries.
- (6) Family day care homes.

401.03 PERMITTED ACCESSORY USES IN AN "R-A" DISTRICT. No accessory structure or use of land shall be permitted in an "R-A" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.
- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the public.

401.04 CONDITIONAL USES IN AN "R-A" DISTRICT. None of the following uses shall be permitted in an "R-A" District except with a Conditional Use Permit:

- (1) Hospitals and clinics.
- (2) Public and parochial schools.
- (3) Municipal buildings.
- (4) Tourist camps.
- (5) Riding academies.
- (6) Golf courses.
- (7) Essential service structures.
- (8) Cemeteries.
- (9) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.
- (10) Day care center, provided that no more than eight (8) non-resident children are in attendance at any one time and that no non-resident children are present for more than ten (10) hours per day, and further provided the facility is licensed by the Wisconsin Dept. of Health & Social Services.
- (11) Creameries, milk condenseries, pea vineries, and cheese factories.
- (12) Professional offices, provided that when permitted in this district, a professional office shall be incidental to the residential occupancy; not more than forty per cent (40%) of the floor area of only one story of a dwelling unit shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

401.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "R-A" DISTRICT.

- (1) **HEIGHT:** No structure or building shall exceed a height of forty (40) feet except as provided for in paragraph 400.09 (2) of this Zoning Ordinance.
- (2) **SIDE YARD:** A side yard abutting a street shall not be less than fifty (50) feet in width. There shall be an aggregate side yard for every building used for human habitation of not less than fifty (50) feet and no single yard shall be less than twenty-five (25) feet.
- (3) **SET BACK FROM STREET:** Unless otherwise permitted, the nearest point of any structure to

a street 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) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** There shall be a rear yard having a minimum depth of fifty (50) feet.

(6) **LOT AREA PER DWELLING:** Every building hereafter erected or structurally altered for human habitation shall provide a lot area of not less than one acre per family and no such lot shall be less than one hundred and fifty (150) feet in width.

(7) **FLOOR AREA PER DWELLING UNIT:** Every dwelling unit erected or structurally altered for human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

(8) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** A detached accessory structure shall be no closer than three feet (3') 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.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 402

SPECIFIC REGULATIONS AFFECTING LANDS IN THE "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

402.01 APPLICABILITY OF CHAPTER 400 TO AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-1" 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.

402.02 PERMITTED USES IN AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT. The following uses are permitted uses in an "R-1" District:

- (1) Single family dwellings [**Amended by Ord 1997-15**]
- (2) Public parks and playgrounds.
- (3) Home occupations as defined and regulated by this Zoning Ordinance.
- (4) Family day care homes.

402.03 PERMITTED ACCESSORY USES IN AN "R-1" DISTRICT. No accessory structure or use of land shall be permitted in an "R-1" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.
- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the public.

402.04 CONDITIONAL USES IN AN "R-1" DISTRICT. None of the following uses shall be permitted in an "R-1" District except with a Conditional Use Permit:

- (1) Not more than one (1) additional dwelling unit located entirely within an existing residential

structure on the lot, in addition to the primary dwelling unit within the structure, provided such additional dwelling unit is equipped with its own complete bath and toilet facilities and with its own kitchen facilities.

(2) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.

(3) Public schools, parochial schools, colleges and universities.

(4) Public libraries, public museums and art galleries.

(5) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(6) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(7) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(8) Attached garages and breezeways (with open or closed sides) located in the rear yard of a property with a rear yard setback of less than 25 feet. The total of the front and rear yard setbacks shall be at least 32 feet with the minimum rear setback being 12 feet.. The structure shall meet the side yard setback requirements or be in line with the existing house. If living area accessible from the interior of the house is built above the garage the height of the garage shall not exceed the height of the house. If no living area is built above the garage the maximum height shall be 16 feet. **[Amended by Ord 2002-12]**

402.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "R-1" DISTRICT.

(1) **BUILDING HEIGHT:** No structure or building shall exceed a height of thirty-five (35) feet, except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate of side yards for every building used for human habitation of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet.

(6) **LOT AREA PER DWELLING UNIT:** Every structure hereafter erected or structurally altered for human habitation which contains one dwelling unit shall provide a lot area of not less than 8,000 square feet and no such lot shall be less than sixty (60) feet in width. Any structure erected or structurally altered to contain two dwelling units shall provide a lot area of not less than 4,000 square feet per dwelling unit and no such lot shall be less than sixty (60) feet in width.

(7) **FLOOR AREA PER DWELLING UNIT:** Every dwelling unit erected or created by structural alteration for human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

(8) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

402.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-1 DISTRICT.

(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 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. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to lands in the R-1 District.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 403

SPECIFIC REGULATIONS AFFECTING LANDS IN AN "R-2" ONE AND TWO FAMILY RESIDENTIAL DISTRICT

403.01 APPLICABILITY OF CHAPTER 400 TO AN "R-2" ONE AND TWO FAMILY RESIDENTIAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-2" 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.

403.02 PERMITTED USES IN AN "R-2" ONE AND TWO FAMILY RESIDENTIAL DISTRICT. The following uses are permitted uses in an "R-2" District:

- (1) Single family dwellings. [Amended by Ord 1993-15]
- (2) Duplex dwellings. [Amended by Ord 1993-15]
- (3) Public parks and playgrounds.
- (4) Home occupations as defined and regulated by this Zoning Ordinance.
- (5) The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence providing there are not more than three (3) boarders or lodgers not members of the family.
- (6) Family day care homes.
- (7) Bed and Breakfast having not more than two (2) guest rooms.

403.03 PERMITTED ACCESSORY USES IN AN "R-2" DISTRICT. No accessory structure or use of land shall be permitted in an "R-2" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.
- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the

public.

403.04 CONDITIONAL USES IN AN "R-2" DISTRICT. None of the following uses shall be permitted in an "R-2" District except with a Conditional Use Permit:

(1) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.

(2) Public schools, parochial schools, colleges and universities.

(3) Public libraries, public museums and art galleries.

(4) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(5) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(6) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(7) Attached garages and breeze ways (with open or closed sides) located in the rear yard of a property with a rear yard setback of less than 25 feet.. The total of the front and rear yard setbacks shall be at least 32 feet with the minimum rear setback being 12 feet.. The structure shall meet the side yard setback requirements or be in line with the existing house. If living area accessible from the interior of the house is built above the garage the height of the garage shall not exceed the height of the house. If no living area is built above the garage the maximum height shall be 16 feet. **[Amended by Ord 2002-11]**

403.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "R-2" DISTRICT.

(1) **BUILDING HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height, whichever is less, except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

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

There shall be an aggregate of side yards for every building used for human habitation of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet.

(6) **LOT AREA PER DWELLING UNIT:** Every structure hereafter erected or structurally altered for human habitation which contains one dwelling unit shall provide a lot area of not less than 8,000 square feet and no such lot shall be less than sixty (60) feet in width. Any structure erected or structurally altered to contain two dwelling units shall provide a lot area of not less than 4,000 square feet per dwelling unit and no such lot shall be less than sixty (60) feet in width.

(7) **FLOOR AREA PER DWELLING UNIT:** Every dwelling unit erected or created by structural alteration for human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

(8) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5)

feet from the side lot line.

© Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

403.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-2 DISTRICT.

(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.

© 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 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. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to lands in the R-2 District.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 404

SPECIFIC REGULATIONS AFFECTING LANDS IN AN "R-3/4" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

404.01 APPLICABILITY OF CHAPTER 400 TO AN "R-3/4" MULTIPLE FAMILY RESIDENTIAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-3/4" 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.

404.02 PERMITTED USES IN AN "R-3/4" DISTRICT. The following are permitted uses in an "R-3/4" District:

- (1) Single family dwellings.[Amended by Ord 1993-15]
- (2) Duplex dwellings. [Amended by Ord 1993-15]
- (3) Small multi-family residences containing three (3) or four (4) dwelling units.
- (4) Condominiums wherein all units are designed and used as dwellings.
- (5) Public parks and playgrounds.
- (6) Home occupations as defined and regulated by this Zoning Ordinance.
- (7) Boarding House.
- (8) Family day care homes.
- (9) Bed and Breakfast.

404.03 PERMITTED ACCESSORY USES IN AN "R-3/4" DISTRICT. No accessory structure or use of land shall be permitted in an "R-3/4" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

(4) Private swimming pools, tennis courts or similar recreational uses on the same site as such recreational use, and not for hire or held open to the public.

404.04 CONDITIONAL USES IN AN "R-3/4" DISTRICT. None of the following uses shall be permitted in an "R-3/4" District except with a Conditional Use Permit:

(1) Churches, public schools, parochial schools, colleges, public libraries, public museums and art galleries.

(2) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(3) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(4) Nursing homes, hospitals, and medical clinics, including necessary parking facilities appurtenant to such use. **[Added by Ord 1997-09]**

(5) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(6) Day Care Centers. **[Added by Ord 1995-6]**

(7) Conditional Uses in a R-1 District Attached garages and breezeways (with open or closed sides) located in the rear yard of a property with a rear yard setback of less than 25 feet. The total of the front and rear yard setbacks shall be at least 32 feet with the minimum rear setback being 12 feet.. The structure shall meet the side yard setback requirements or be in line with the existing house. If living area accessible from the interior of the house is built above the garage the height of the garage shall not exceed the height of the house. If no living area is built above the garage the maximum height shall be 16 feet. **[Added by Ord 2002-11]**

(8) Community Based Residential Facility having capacity for 16 or more persons. **[Added by Ord 2008-1]**

(9) Hospital affording care to humans. **[Added by Ord 2008-1]**

(10) Medical clinic affording care to humans. **[Added by Ord 2008-1]**

(11) Residential Care Apartment Complex. **[Added by Ord 2008-1]**

**404.05 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS
IN AN "R-3/4" DISTRICT.**

(1) **HEIGHT:** No structure or building shall exceed a height of forty- five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocetes triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty-five (25) feet.

(6) LOT AREA PER DWELLING UNIT:

- | | |
|--|--|
| 1. One Family Structure: | 8,000 Square Feet |
| 2. Two Family Structure | 4,000 Square Feet |
| 3. Multiple Dwelling with three
or four units | 2,000 Square Feet with a minimum lot size of 8,000 square feet |

(7) FLOOR AREA PER DWELLING UNIT:

- | | |
|-------------------------------------|-----------------|
| 1. One Family Structure | 850 Square Feet |
| 2. Two Family Structure | 800 Square Feet |
| 3. Three or four family structures: | |
| Efficiency Units | 400 Square Feet |
| One Bedroom Units | 540 Square Feet |

Two Bedroom Units

720 Square Feet

An additional 120 square feet for each bedroom in excess of two bedrooms.

(8) **RECREATION AREA:** On lots containing three (3) or four (4) dwelling units, at least 300 square feet of lot area shall be preserved solely for recreational purposes.

(9) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

404.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-3/4 DISTRICT.

(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 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. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to lands in the R-3/4 District.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 405

SPECIFIC REGULATIONS AFFECTING LANDS IN AN "R-5" FIVE OR MORE UNIT MULTIPLE FAMILY RESIDENTIAL DISTRICT

405.01 APPLICABILITY OF CHAPTER 400 TO AN "R-5" MULTIPLE FAMILY RESIDENTIAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-5" 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.

405.02 PERMITTED USES IN AN "R-5" DISTRICT. The following are permitted uses in an "R-5" District:

- (1) Single family dwellings.[Amended by Ord 1993-15]
- (2) Duplex dwellings.[Amended by Ord 1993-15]
- (3) Multi-family residences containing three (3) or more dwelling units.
- (4) Condominiums wherein all units are designed and used as dwellings.
- (5) Public parks and playgrounds.
- (6) Home occupations as defined and regulated by this Zoning Ordinance.
- (7) Boarding House.
- (8) Family day care home.
- (9) Bed and Breakfast.

405.03 PERMITTED ACCESSORY USES IN AN "R-5" DISTRICT. No accessory structure or use of land shall be permitted in an "R-5" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

(4) Private swimming pools, tennis courts or similar recreational uses on the same site as such recreational use, and not for hire or held open to the public.

405.04 CONDITIONAL USES IN AN "R-5" DISTRICT. None of the following uses shall be permitted in an "R-5" District except with a Conditional Use Permit:

(1) Churches, public schools, parochial schools, colleges, public libraries, public museums and art galleries.

(2) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(3) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(4) Nursing homes [**Amended by Ord 2008-1**]

(5) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(6) Day Care Centers. [**Added by Ord 1995-6**]

(7) Self Storage Warehouse or Mini-warehouse, except that no conditional use permit for a Self Storage Warehouse or Mini Warehouse shall be granted for any site located in that portion of the City bounded on the North by 6th Street on the East by Park Street, on the South by Gage Street and on the West by the Pine River. All Self Storage Warehouses or Mini-Warehouses shall have painted exterior walls and side walls shall not exceed nine (9) feet. All driveways to Self Storage Warehouse or Mini-Warehouses shall be graveled or paved. The setback for Mini-warehouses shall be the same as that of a primary building. [**Added by Ord 2001-7; Amended by Ord 2001-17**]

(8) Community Based Residential Facility having capacity for 16 or more persons. [**Added by Ord 2008-1**]

(9) Hospital affording care to humans. [**Added by Ord 2008-1**]

(10) Medical clinic affording care to humans. [**Added by Ord 2008-1**]

(11) Residential Care Apartment Complex. [**Added by Ord 2008-1**]

(12) Storage warehouse. A storage warehouse in an R-5 district may contain office space, but not more than 25% of the total ground floor are of the building may be used for such office space. [**Added by Ord 2008-1**]

405.05 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN AN "R-5" DISTRICT.

(1) **HEIGHT:** No structure or building shall exceed a height of forty- five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocetes triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty-five (25) feet.

(6) LOT AREA PER DWELLING UNIT:

1. One Family Structure	8,000 Square Feet
2. Two Family Structure	4,000 Square Feet
3. Multiple Dwelling with three or more units	2,000 Square Feet, with a minimum of lot size of 8,000 square feet

(7) FLOOR AREA PER DWELLING UNIT:

1. One Family (One dwelling unit) Structure	850 Square Feet
2. Two Family (Two Dwelling unit) Structure	800 Square Feet
3. Structures containing three or more dwelling units:	
Efficiency Units	400 Square Feet
One Bedroom Units	540 Square Feet

Two Bedroom Units

720 Square Feet

An additional 120 square feet for each bedroom in excess of two bedrooms.

(8) **RECREATION AREA:** On lots containing three (3) or more dwelling units, at least 300 square feet of lot area shall be preserved solely for recreational purposes.

(9) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

405.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-5 DISTRICT.

(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 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. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to lands in the R-5 District.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 406

SPECIFIC REGULATIONS AFFECTING LANDS IN AN "R-O" RESIDENTIAL-OFFICE DISTRICT

406.01 APPLICABILITY OF CHAPTER 400 TO AN "R-O" RESIDENTIAL-OFFICE (R-O) DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-O" 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.

406.02 PERMITTED USES IN AN "R-O" DISTRICT. The following are permitted uses in an "R-O" District:

- (1) Single family dwellings. [Amended by Ord 1993-15]
- (2) Duplex dwellings. [Amended by Ord 1993-15]
- (3) Greenways, open spaces and playgrounds.
- (4) Insurance agency offices.
- (5) Professional offices.
- (6) Real estate brokerage offices.
- (7) Stock and/or bond brokerage offices.

406.03 PERMITTED ACCESSORY USES IN AN "R-O" DISTRICT. No accessory structure or use of land shall be permitted in an "R-O" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.
- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling or offices located on the same site as such recreational use, and not for hire or held open to the public.

406.04 CONDITIONAL USES IN AN "R-O DISTRICT. None of the following uses shall be permitted in an "R-O" District except with a Conditional Use Permit:

- (1) Multiple family dwellings.
- (2) Banks and other financial institutions.
- (3) Barber shops and beauty salons.
- (4) Business service establishments.
- (5) Business schools.
- (6) Day Nursery.
- (7) Essential service structures.
- (8) Funeral homes and mortuaries.
- (9) Historic buildings.
- (10) Hospitals and clinics.
- (11) Medical and dental offices,
- (12) Museums, art institutes, and galleries.
- (13) Organization headquarters offices.
- (14) Personal service establishments.
- (15) Planned unit developments.
- (16) Private clubs and lodges not operated for a profit.

406.06 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN AN "R-O" DISTRICT.

(1) **BUILDING HEIGHT:** No structure or building shall exceed a height of forty- five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocetes triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty (20) feet.

(6) **LOT AREA PER DWELLING UNIT:**

- | | |
|---|---|
| 1. One Family Structure | 8,000 Square Feet |
| 2. Two Family Structure | 4,000 Square Feet |
| 3. Multiple Dwelling with three or more units | 2,000 Square Feet, with a minimum lot size of 8,000 Square feet |

(7) **FLOOR AREA PER DWELLING UNIT:**

- | | |
|-------------------------------------|-----------------|
| 1. One Family Structure | 850 Square Feet |
| 2. Two Family Structure | 800 Square Feet |
| 3. Three or more family structures: | |
| Efficiency Units | 400 Square Feet |
| One Bedroom Units | 540 Square Feet |
| Two Bedroom Units | 720 Square Feet |
- An additional 120 square feet for each bedroom in excess of two bedrooms.

(8) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

406.07 PERFORMANCE STANDARDS APPLICABLE TO AN R-O DISTRICT.

(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 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. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to lands in the R-O District.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 407

SPECIFIC REGULATIONS AFFECTING LANDS IN A "C-G" GENERAL BUSINESS DISTRICT

407.01 APPLICABILITY OF CHAPTER 400 TO A "C-G" GENERAL BUSINESS DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in a "C-G" General Business 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.

407.02 PERMITTED USES IN A "C-G" GENERAL BUSINESS DISTRICT. The following uses are permitted in a "C-G" District:

- (1) The following residential uses:
 - (a) Duplex dwellings [**Amended by Ord 1993-15**]
 - (b) Small multi-family residences containing three (3) or four (4) dwelling units.
 - (c) Dwelling units which are located in and which share a building with a permitted retail sales and/or service business, including professional offices, or a conditional use for which a conditional use permit has been issued.
 - (d) Condominiums in which the units are designed and used for residential purposes or for those commercial uses which are permitted uses in this district.
 - (e) Boarding House.
- (2) Municipal buildings of the City of Richland Center, and governmental offices of the United States, the State of Wisconsin, Richland County or any agency thereof, where the use conducted is generally for offices.
- (3) Universities, colleges and vocational schools.
- (4) The following retail sales and service businesses:
 1. Antique or gift shop.
 3. Appliance store.
 2. Art and school supply store.
 4. Art studio or gallery.
 5. Auto parts store.
 6. Bakery goods sales and baking of goods for retail sales on premises.
 7. Bank, saving & loan institution or credit union.
 8. Barber shop and/or beauty parlor.
 9. Bed and Breakfast.
 10. Bicycle sales and repair.
 11. Book, office supply and/or stationery store.
 12. Business offices, including professional practitioner's offices.
 13. Candy, ice cream, popcorn, nuts, frozen dessert and/or soft drink shop but not of the drive-in type.

14. Camera and photographic supply and processing store.
15. Diaper or hand laundry service provided not more than ten (10) persons are employed.
16. Delicatessen and/or dairy store.
17. Department store.
18. Drug store.
19. Dry cleaning and laundry pickup stations including incidental pressing and repair.
20. Dry goods store.
21. Five and ten store.
22. Florist, but not including greenhouse or outside beds for growing flowers.
23. Furniture store.
24. Garden supply store, provided it is conducted entirely within an enclosed structure.
25. Gift or novelty store.
26. Grocery, meat, fruit or vegetable store.
27. Hardware store.
28. Hobby store including handicraft classes not to exceed ten (10) students.
29. Interior decorating studio.
30. Jewelry sales and repair store.
31. Laundromat of the self-service type.
32. Library.
33. Liquor store, provided the same is licensed to deal in alcohol beverages by the City of Richland Center or other appropriate municipality.
34. Locksmith.
35. Meat market but not including meat processing plant or locker plant.
36. Medical, dental, chiropractic and similar clinics, for human care.
37. Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
38. Museums, art institutes, galleries, and playhouses.
39. Newspaper publishing office.
40. Office Building.
41. Optical and jewelry manufacturing provided the operation is not located within the front twenty (20) feet of the first floor.
42. Photographic supplies and processing of film and prints.
43. Picture framing.
44. Physical culture and health club or spa, dance studio or martial arts school.
45. Pipe and tobacco shop.
46. Post office or private parcel service.
47. Printing shop.
48. Professional offices.
49. Radio and television repair.
50. Record, tape, disk and/or music shop.
51. Restaurant, cafe or tea room, but not including a drive-in restaurant where customers are served in their vehicles.
52. Rugs and floor covering sales.
53. Seat cover, upholstery and/or drapery shop.
54. Shoe store and/or shoe repair establishment.
55. Small appliance repair shop.

- 56. Sporting goods store.
- 57. Supperclub, nightclub or restaurant which is licensed to serve alcohol beverages by the City of Richland Center, but not including fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, their meeting halls or clubhouses.
- 58. Variety store.
- 59. Wearing apparel store or shop and similar uses.
- 60. Wholesale office and showroom.
- 61. Funeral Homes [**Added by Ord 2010-12**]

407.03 ACCESSORY USES IN A "C-G" GENERAL BUSINESS DISTRICT. No accessory structure or use of land shall be permitted in a "C-G" District except for one or more of the following:

- (1) Private garages, off-street parking and loading spaces as regulated by the provisions of this Ordinance.
- (2) Decorative landscape features.
- (3) Public telephone booths.
- (4) On-premises signs as regulated by this Zoning Ordinance or by any other ordinance or Chapter dealing with the regulation of signs.
- (5) Any incidental repair or processing necessary to conduct a permitted principal use, provided such incidental repair or processing shall not exceed thirty per cent (30%) of the floor space of the principal building.
- (6) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time normally required for completion of such construction or similar construction.

407.04 CONDITIONAL USES IN A "C-G" GENERAL BUSINESS DISTRICT. Within any "C-G" General Business District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

- (1) Animal hospital or clinic.
- (2) Animal boarding kennel.
- (3) Armory.
- (4) Auto Repair garage or facility.
- (5) Automobile or other vehicles of transportation sales whether new or used units.
- (6) Billiard or pool rooms, including video game and electronic game arcades.
- (7) Boat and marine sales, whether new or used units.
- (8) Bowling alley.
- (9) Bus terminal.
- (10) Business, trade or vocational school when conducted entirely within a building.
- (11) Car wash.
- (12) Commercial greenhouse, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street.

- (13) Convention hall or convention center.
- (14) Dance hall or teen club.
- (15) Day care center, provided that the facility is licensed by the Wisconsin Dept. of Health & Social Services.
- (16) Drive-in restaurant serving customers in their vehicles.
- (17) Drive-in theater.
- (18) Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
- (19) Fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, and their meeting halls or clubhouses
- (20) Lumber or building material yards, provided they are conducted entirely within an enclosed structure, which if a fence may be eight (8) feet in height when not abutting land located in an "R" District or land in a residential use.
- (21) Motor fuel stations, subject to all other regulations of this Zoning Ordinance.
- (22) Open sales lot or open storage.
- (23) Outdoor amusement facility.
- (24) Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building or operating so as to cause an offensive odor or noise.
- (25) Skating rink.
- (26) Sports arena.
- (27) Stadium.
- (28) Stone or monument dealership.
- (29) Television and radio stations and/or transmitting towers.
- (30) Similar uses, provided the structure in which the use is carried out shall not be located within one hundred (100) feet of any "R" District.
- (31) Accessory structures other than accessory structures specifically permitted in this district.
- (32) Essential service structures, including but not limited to such uses as telephone exchange stations, booster or pressure sub-stations, lift stations, elevated tanks and electric power sub-stations.
- (33) Self Storage warehouse or mini warehouse in which retail sales are not permitted [**Added by Ord 2000-15**]
- (34) Cabinet/Countertop shop [**Added by Ord 2001-14**] NOTE number error: shown as (33) in ordinance
- (35) Community Based Residential Facility. [**Added by Ord 2008-1**]
- (36) Hospitals affording care to humans. [**Added by Ord 2008-1**]
- (37) Medical clinics affording care to humans. [**Added by Ord 2008-1**]
- (38) Residential Care Apartment Complexes. [**Added by Ord 2008-1**]
- (39) Storage warehouse. [**Added by Ord 2008-1**]
- (40) Distribution warehouse. [**Added by Ord 2008-1**]
- (41) Crematory, provided the crematory is smokeless and odorless. [**Added by Ord 2010-7**]
- (42) Indoor shooting range, the use of which is limited to air rifles, shoulder arms firing .22 rimfire cartridges and handguns utilizing cartridges not exceeding .45 ACP. [**Added by Ord 2010-9**]

407.05 BUILDING HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN A "C-G" DISTRICT.

- (1) **BUILDING HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or

three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than fifteen (15) feet in width. There shall be an aggregate side yard for every building of not less than fifteen (15) feet and no single side yard less than seven (7) feet. Side yards adjacent to residential lots shall be twelve (12) feet plus one (1) additional foot for each story of any building on the commercial lot in excess of two (2) stories.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than fifteen (15) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **REAR YARD:** There shall be a minimum rear yard depth of twenty (20) feet for a one (1) story building and twenty-five (25) feet for a building having two (2) stories or more.

(6) **LOT WIDTH:** No lot shall have a frontage of less than fifty (50) feet in width.

(7) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building

(including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 408

SPECIFIC REGULATIONS AFFECTING LANDS IN A "C-DT" CENTRAL [DOWNTOWN] BUSINESS DISTRICT

408.01 APPLICABILITY OF CHAPTER 400 TO A "C-DT" CENTRAL BUSINESS DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in a "C-DT" Central Business 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.

408.02 PERMITTED USES IN A "C-DT" CENTRAL BUSINESS DISTRICT. The following uses are permitted in a "C-DT" District:

(1) Permitted Residential Uses: The following residential uses:

(a) One or more single-family residential units, provided such residential units are located entirely upon floors above the first or street level floor of the structure. **[Amended by Ord 1994-2]**

(2) Permitted Governmental Uses: Municipal buildings of the City of Richland Center, and governmental offices of the United States, the State of Wisconsin, Richland County or any agency thereof, where the use conducted is generally for offices. **[Amended by Ord 1994-2]**

(3) Permitted Commercial Uses: The following retail sales and service businesses: **[Ord 1994-2]**

(4) The following retail sales and service businesses:

1. Antique or gift shop.
3. Appliance store.
2. Art and school supply store.
4. Art studio or gallery.
5. Auto parts store.
6. Bakery goods sales and baking of goods for retail sales on premises.
7. Bank, saving & loan institution or credit union.
8. Barber shop and/or beauty parlor.
9. Bed and Breakfast.
10. Bicycle sales and repair.
11. Book, office supply and/or stationery store.
12. Business offices, including professional practitioner's offices.
13. Candy, ice cream, popcorn, nuts, frozen dessert and/or soft drink shop but not of the drive-in type.
14. Camera and photographic supply and processing store.
15. Diaper or hand laundry service provided not more than ten (10) persons are employed.
16. Delicatessen and/or dairy store.

17. Department store.
18. Drug store.
19. Dry cleaning and laundry pickup stations including incidental pressing and repair.
20. Dry goods store.
21. Five and ten store.
22. Florist, but not including greenhouse or outside beds for growing flowers.
23. Furniture store.
24. Garden supply store, provided it is conducted entirely within an enclosed structure.
25. Gift or novelty store.
26. Grocery, meat, fruit or vegetable store.
27. Hardware store.
28. Hobby store including handicraft classes not to exceed ten (10) students.
29. Interior decorating studio.
30. Jewelry sales and repair store.
31. Laundromat of the self-service type.
32. Library.
33. Liquor store, provided the same is licensed to deal in alcohol beverages by the City of Richland Center
34. Locksmith.
35. Meat market but not including meat processing plant or locker plant.
36. Medical, dental, chiropractic and similar clinics, for human care.
37. Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
38. Museums, art institutes, galleries, and playhouses.
39. Newspaper publishing office.
40. Office Building.
41. Optical and jewelry manufacturing provided the operation is not located within the front twenty (20) feet of the first floor.
42. Photographic supplies and processing of film and prints.
43. Picture framing.
44. Physical culture and health club or spa, dance studio or martial arts school.
45. Pipe and tobacco shop.
46. Post office or private parcel service.
47. Printing shop.
48. Professional offices.
49. Radio and television repair.
50. Record, tape, disk and/or music shop.
51. Restaurant, cafe or tea room, but not including a drive-in restaurant where customers are served in their vehicles
52. Rugs and floor covering sales.
53. Seat cover, upholstery and/or drapery shop.
54. Shoe store and/or shoe repair establishment.
55. Small appliance repair shop.
56. Sporting goods store.
57. Supperclub, nightclub or restaurant which is licensed to serve alcohol beverages by the City of Richland Center, but not including fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, their meeting halls or clubhouses.
58. Variety store.

59. Wearing apparel store or shop and similar uses.
60. Wholesale office and showroom.
61. Funeral Homes [Added by Ord 2010-12]

408.03 ACCESSORY USES IN A "C-DT" CENTRAL BUSINESS DISTRICT. No accessory structure or use of land shall be permitted in a "C-DT" District except for one or more of the following:

- (1) Private garages, off-street parking and loading spaces as regulated by the provisions of this Ordinance.
- (2) Decorative landscape features.
- (3) Public telephone booths.
- (4) On-premises signs as regulated by this Zoning Ordinance or by any other ordinance or Chapter dealing with the regulation of signs.
- (5) Any incidental repair or processing necessary to conduct a permitted principal use, provided such incidental repair or processing shall not exceed thirty per cent (30%) of the floor space of the principal building.
- (6) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time normally required for completion of such construction or similar construction.

408.04 CONDITIONAL USES IN A "C-DT" CENTRAL BUSINESS DISTRICT. Within any "C-DT" Central Business District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

- (1) Animal hospital or clinic.
- (2) Animal boarding kennel.
- (3) Armory.
- (4) Auto Repair garage or facility.
- (5) Automobile or other vehicles of transportation sales whether new or used units.
- (6) Billiard or pool rooms and similar recreational facilities, specifically including video game and/or electronic game arcades or facilities.
- (7) Boat and marine sales, whether new or used units.
- (8) Bowling alley.
- (9) Bus terminal.
- (10) Business, trade or vocational school when conducted entirely within a building.
- (11) Car wash.
- (12) Commercial greenhouse, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street.
- (13) Convention hall or convention center.
- (14) Dance hall or teen club.
- (15) Day care center, provided that the facility is licensed by the Wisconsin Dept. of Health & Social Services.
- (16) Drive-in restaurant serving customers in their vehicles.

- (17) Drive-in theater.
- (18) Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
- (19) Fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, and their meeting halls or clubhouses.
- (20) Lumber or building material yards, provided they are conducted entirely within an enclosed structure, which if a fence may be eight (8) feet in height when not abutting land located in an R District or land in a residential use.
- (21) Motor fuel stations, subject to all other regulations of this Zoning Ordinance.
- (22) Open sales lot or open storage.
- (23) Outdoor amusement facility.
- (24) Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building or operating so as to cause an offensive odor or noise.
- (25) Skating rink.
- (26) Sports arena.
- (27) Stadium.
- (28) Stone or monument dealership.
- (29) Television and radio stations and/or transmitting towers.
- (30) Similar commercial uses, provided the structure in which the use is carried out shall not be located within one hundred (100) feet of any 'R-1', R-2, R-3/4't, 'R-5" or "R-O' District.
- (31) Accessory structures other than accessory structures specifically permitted in this district.
- (32) Essential service structures, including but not limited to such uses as telephone exchange stations, booster or pressure sub-stations, lift stations, elevated tanks and electric power sub-stations.
- (33) Duplex residences, containing or consisting of two (2) dwelling units.
- (34) Small multi-family residences containing three (3) or four (4) dwelling units.
- (35) Dwelling units which are located in and which share a building with a permitted retail sales and/or service business, including professional offices, or a conditional use for which a conditional use permit has been issued.
- (36) Condominiums in which the units are designed and used for residential purposes or for those commercial uses which are permitted uses in this district.
- (37) Boarding House. **[Amended by Ord 1994-2]**

408.05 STRUCTURE HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN A "C-DT" DISTRICT.

(1) TRAFFIC VISIBILITY TRIANGLE: No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the

area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(2) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES: No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04(5) are applicable in this district.

(3) OTHER RESTRICTIONS NOT APPLICABLE: All uses located in the "C-DT" District are exempt from lot area, height, lot width and yard requirements except the traffic visibility triangle restriction above. No accessory off-street parking is required in this district and all on-street parking will be controlled by the City with the goal of reducing congestion.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 409

SPECIFIC REGULATIONS AFFECTING LANDS IN AN “IND” INDUSTRIAL DISTRICT

409.01 APPLICABILITY OF CHAPTER 400 TO AN "IND" INDUSTRIAL DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "IND" Industrial 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.

409.02 PERMITTED USES IN AN "IND" INDUSTRIAL DISTRICT. The following uses are permitted in an "IND" Industrial District:

(1) Any non-residential use which is either a permitted use or a conditional use in a "C-1" District, except off-premises sign or billboard.

(2) Any use which is a permitted use in an "IP" District, subject to all regulations applicable to such use in an "IP" District.

(3) The manufacturing, compounding, assembly, packaging, treatment, or storage of the following products or materials not likely to meet all of the performance standards outlined in Section 479.15.

1. Brewing.
2. Brick manufacturing.
3. Cement and/or concrete manufacturing.
4. Ceramic product manufacturing.
5. Coal or tar asphalt distillation.
6. Commercial stockyards, slaughtering of animals and/or meat packing.
7. Contractor's storage yard.
8. Crude oil, gasoline, or other liquid storage tanks.
9. Distillation of bones.
10. Flour, feed and/or grain milling.
11. Glass manufacturing.
12. Glue, gypsum and/or plaster manufacturing.
13. Kiln drying.
14. Lime manufacturing.
15. Metal casting, converting, polishing and/or plating.
16. Mill working.
17. Motor fuel stations subject to the requirements of this Chapter.
18. Open sales lots.
19. Paint and/or pigment manufacturing.
20. Plastic manufacturing, molding or processing.
21. Rendering works.
22. Rubber and rubber product manufacturing.

23. Sawmill.
24. Stone cutting.
25. Textile manufacturing and/or dyeing.
26. Vinegar works.
27. Wood processing and the manufacture of products from wood.

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

(5) Distribution warehouse. [Added by Ord 2008-1]

(6) Public garage. [Added by Ord 2008-1]

(7) Storage garage. [Added by Ord 2008-1]

409.03 PERMITTED ACCESSORY USES IN AN "IND" INDUSTRIAL DISTRICT. All accessory uses are permitted in an "IND" District.

409.04 CONDITIONAL USES IN AN "IND" INDUSTRIAL DISTRICT. None of the following uses shall be permitted in an "IND" Industrial District except with a Conditional Use Permit:

- (1) On-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (2) Acid and/or storage battery manufacturing.
- (3) Auto wrecking, junk yard, used auto parts stored in the open and similar uses.
- (3a) Creamery, cheesemaking or other processing of dairy products. [Added by Ord 2000-8]
- (4) Creosote plant.
- (5) 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.
- (6) Incineration or reduction of waste material other than customarily incidental to a principal use.
- (7) Kilns or other heat processes fired by combustion or by any means other than electricity or solar energy.
- (8) Manufacture and/or compounding of poison, fertilizer, fuel briquettes.
- (9) Open storage as the primary or secondary use.
- (10) Paper mill.

(11) Refuse and garbage disposal.

(12) Any use abutting or across the street from any lot not included in an "I-1" or "I-2" District, unless such use is a permitted use in the zoning District of such abutting lot.

(13) Any activity which emits smoke darker than shade No. 3 on the Ringelmann Chart.

(14) Any use which utilizes any radioactive materials.

(15) Outdoor amusement facility.

409.05 BUILDING HEIGHT, SETBACK, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "IND" INDUSTRIAL DISTRICT.

(1) **BUILDING HEIGHT:** No structure or building shall exceed a height of six (6) stories nor more than seventy-five (75) feet in height except as provided for in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard which abuts a public street shall be not less than fifteen (15) 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 fifteen (15) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isocles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

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.

(5) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

(e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

409.06 PERFORMANCE STANDARDS APPLICABLE TO AN "IND" INDUSTRIAL DISTRICT.

(1) Applicability of General Performance Standards. All general performance standards made applicable by subchapter 400.07 shall apply to all uses in "IND" Industrial Districts.

(2) Specific Standards Applicable to "IND" Industrial Districts. In addition to the general performance standards set forth in subchapter 400.07, no use in any "IND" Industrial District 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 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.

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 require-

ments 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:

(a) No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection known as the traffic visibility triangle and described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of twenty (20) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points twenty (20) feet distant from each point of intersection to form the base of an isocetes triangle.

(b) In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such traffic visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

(c) 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 curbline 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 of 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, including traffic direction signs, shall be permitted within the required 20 foot traffic visibility triangle.

(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.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 411

SPECIFIC REGULATIONS AFFECTING LANDS IN THE "MHP" MOBILE HOME PARK DISTRICT

411.01 APPLICABILITY OF CHAPTER 400 TO AN "MHP" MOBILE HOME PARK DISTRICT. All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "MHP" 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.

411.02 DEFINITIONS. As used in this Chapter the following terms are defined as follows:

- (1) **City:** The City of Richland Center, Wisconsin.
- (2) **City Council:** The Common Council of the City of Richland Center.
- (3) **Complete Bath and Toilet Facilities:** A flush toilet attached to the public sewer system; a lavatory; a bath or shower and a kitchen sink, all of which are fully functional and supplied from outside with a continuous supply of water.
- (4) **Dependent Mobile Home:** A mobile home such as a camper trailer which is not equipped with year round living facilities and which is dependent upon sources to which it is not permanently connected for disposal of sewage, supply of fresh water and electricity. **[Amended by Ord 1993-15]**
- (5) **Interior Street:** A private street or private drive located within the boundaries of a mobile home park.
- (6) **Licensee:** Any person, firm or corporation licensed to operate and maintain a mobile home park under this Chapter.
- (7) **Lot:** is synonymous with a Space as defined below.
- (8) **Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. 'Mobile Home' includes the structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 but which is not permanently set on an enclosed foundation in the manner

described in subpar. 400.03 (84) (a) shall be deemed to be a mobile home under this Zoning Ordinance.
[Amended by Ord 1993-15]

(9) Mobile Home Owner: The person in whose name the mobile home is titled by the Wisconsin Dept. of Transportation.

(10) Mobile Home Park: Any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation. As used in this Chapter mobile home park is limited to plots on which are located 2 or more nondependent mobile homes.

(11) Mobile Home Stand: That part of an individual mobile home space which has been reserved and improved for the placement of one mobile home unit, upon which the mobile home actually sits or is placed.

(12) Nondependent Mobile Home: A mobile home equipped with complete bath and toilet facilities, furniture, cooking facilities, heating, appliances and complete year round facilities, which is permanently connected or designed to be permanently connected to outside sewer disposal lines, outside water supply lines, outside electrical service and optionally outside heating fuel lines.

(13) Occupied Area: That portion of an individual mobile home space which is covered by a mobile home and its accessory structures.

(14) Park: A mobile home park.

(15) Park Management: The person, partnership, corporation or other legal entity who owns or has charge, care or control of the mobile home park.

(16) Person: Any natural person, firm, trust, partnership, association or corporation or other legal entity, and includes any agent, personal representative, heir or assign thereof.

(17) Service Building: A permanent structure in a mobilehome park which is a part of or a permitted adjunct to the operations of the park, such as a pumphouse, laundromat or clubhouse (if permitted).

(18) Space: A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(19) Stand: is synonymous with a Mobile Home Space as defined above.

(20) State: The State of Wisconsin.

(18) Unit: One mobile home.

411.021 PERMITTED USES IN THE "MHP" MOBILE HOME PARK DISTRICT. The following uses are permitted in an "MHP" District:

(1) Mobile Home Parks designed, laid out and licensed in conformity with this Chapter.

(2) One Single Family Dwelling within a Mobile Home Park to be occupied by the resident manager or caretaker of such mobile home park.

(3) One building within a Mobile Home Park housing the offices of the mobile home park, and which may in addition house one dwelling unit to be occupied by the resident manager or caretaker of such mobile home park.

(4) Service buildings within a mobile home park housing facilities furnished for park residents.
[Ord 1993-15]

411.03 PARKING MOBILE HOMES OUTSIDE LICENSED MOBILE HOME PARKS WITHIN AN MHP ZONING DISTRICT RESTRICTED.

(1) General Prohibition; Exceptions. No person shall park, locate or place any mobile home outside of a licensed mobile home park within an MHP Zoning District in the City of Richland Center except as follows:

(a) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for purposes of sales display;

(b) Unoccupied mobile homes may be parked on the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs, for an aggregate period not to exceed ten (10) days;

(c) Unoccupied mobile homes may be parked on premises leased or owned by the owner of such mobile home or in an accessory private garage, building, or rear yard of the owner of such mobile home for purposes of sales display for an aggregate period not exceeding 120 days, provided no business is carried on therein.

(2) Parking Mobile Homes on Streets. No person shall stop, stand, or park a mobile home on any street, alley, or highway within the City in violation of chs. 340 to 348 of the Wisconsin Statutes or in violation of any traffic ordinance or regulation of the City of Richland Center.

411.04 MOBILE HOME OCCUPANCY PERMITS.

(1) Preexisting Mobile Homes Located Outside of Parks. Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City building inspector within 60 days after the effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and City. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for six (6) consecutive months or if the mobile home is damaged to the extent that the total cost of structural repairs and alterations to the mobile home exceed 50% of the net value of the property immediately prior to the damage as determined under section 411.10 of this Chapter.

(2) Mobile Homes Moved Onto Licensed Parks. The owner or occupant of a mobile home shall within five (5) days after moving a mobile home onto a licensed mobile home park or removing a mobile home from one park to another park within the City obtain a permit from the City Clerk. Such permits shall be issued only for mobile homes which comply with sec. 218.12, Wisconsin Statutes, or which bear a seal, stamp, or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1.

(3) Compliance With Codes. All mobile homes shall comply with all applicable State and City fire, health, building and plumbing codes and rules, in addition to all provisions of this Chapter. Before a mobile home unit may be occupied, the mobilehome owner or the person or licensed dealer selling such mobilehome shall secure an inspection by the City Building Inspector to ascertain compliance with all such codes and rules, including this Chapter. Upon satisfactorily passing such inspection, an occupancy permit shall be issued by the City. No person shall occupy or permit any person to occupy any mobilehome without first securing such an occupancy permit. The fee for such inspection and permit shall be set by the Common Council by resolution.

411.05 MOBILE HOME PARK DEVELOPER'S PERMIT.

(1) Developer's Permit Required. No person shall construct, alter, modify, or extend any mobile home park or mobile home park building or facility within the limits of the City of Richland Center without first securing a mobile home park developer's permit from the City. Such permits shall be issued by the City Clerk upon approval by the City Council. Such permit shall be in addition to a building permit or permits for all building or structures to be erected within the park.

(2) Application for Developer's Permit. An application for a mobile home park developer's permit shall be filed with the City Clerk with sufficient copies for the Clerk to forward one each to the Building Inspector, the Health Officer and the Fire Chief. The Building Inspector, Health Officer and Fire Chief shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances, and laws of the state and City and report their findings in writing to the City Council within 60 days. Such reports shall be considered by the City Council before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.

(3) Fee for Developer's Permit. Applications for mobile home park developers' permits shall be accompanied by a fee of \$250.00 to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.

(4) Required Contents of Applications. Applications shall be made on forms furnished by the City Clerk and shall include the following information:

- (a) Name and address of the applicant.
- (b) Location and legal description of the proposed park, addition, modification, or extension.
- (c) A complete plot plan showing compliance with all applicable provisions of this Chapter, and the

City's building code and zoning and subdivision ordinances.

(d) Complete preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:

1. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.

2. The location and width of all roadways and walkways, buffer strips, recreational, and other common areas within the park.

3. The location and outside dimensions of all mobile home spaces.

4. A drawing of a typical mobile home space showing the placement of the stand within the space, parking area, garage, setbacks, lighting and landscaping.

5. A landscape plan showing all plantings in common areas and greenbelt areas.

6. Plans and specifications of all park buildings and structures.

7. The location and size of all public streets, highways and sidewalks abutting the mobile home park and all street and sidewalk accesses from such streets, highways and sidewalks into the mobile home park.

(e) The interest of the applicant in the proposed mobile home park or extension thereof (such as owner, partner, manager etc). If the owner of the tract is a person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.

(f) Written statements describing proposed park operations, management, and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.

(5) Optional Inclusion of Area for Motorhomes and Similar Vehicles. A proposed mobile home park plan may include an area for short term parking of recreational vehicles, motor homes, trailer campers or similar dependent mobile homes, provided the plan also includes adequate provision for sanitary waste disposal facilities and other services deemed by the City Council to be reasonable and appropriate for such an area. The Council may allow the inclusion and use of such a short term parking area in the mobile home park if it deems the proposed use of such designated area and the availability of services to such vehicles are adequate and will not degrade the balance of the mobile home park or the surrounding area outside the park. **[Ord 1993-15]**

(6) Final Plan Submission. Final engineering plans and specifications complying with the provisions of this Chapter and any modifications or conditions imposed by the City Council shall be submitted to the City Clerk and checked by the proper City officials for compliance before the license is issued.

411.06 STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, ADDITIONS OR EXTENSIONS. All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

(1) Administrative Code Provisions Adopted. Chapters H62 and HSS 177 and PSC 184, Wisconsin Administrative Code, are hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or ordinance of the state or City which is more restrictive.

(2) Minimum Size of Parks and Additions to Parks. Mobile home parks shall contain a minimum of ten (10) acres. Additions to or extensions of mobile home parks shall contain a minimum of five (5) acres.

(3) Minimum Space Sizes. An individual space for a single-wide mobile home shall be not less than 5,000 square feet in area.

(4) Setbacks. Each mobile home space shall afford the following setbacks, measured from the closest point of a unit placed on the space to the closest point of the object of the setback:

- (a) 50 feet from the nearest point on the right-of-way limit of every public street or highway;
- (b) 25 feet from the nearest point on the surfaced portion of any internal park drive or common area, including common parking areas;
- (c) 40 feet from the nearest point on any exterior boundary line of the mobile home park;
- (d) 20 feet from the nearest point on any other unit, building, or structure;
- (e) 10 feet from the lot line.

Accessory structures, such as awnings, cabanas, storage sheds, utility buildings, storage cabinets, carports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with this provision.

(5) Municipal Water and Sewer Required. No mobile home park shall be laid out, constructed, or operated without City water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected to City water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful. Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or by parking of the unit. Meters shall not be set in crawlspaces, but must be set in manholes outside the mobile home at a proper depth to prevent freezing, and with provision made for mounting remote registers. All additional regulations on file in the office of the Richland Center Utilities shall also apply to installations. Water systems shall be adequate to provide a pure, potable water supply of 6 gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed not less than 500 feet from every mobile home stand and from every park building.

(6) Liquid Waste Disposal. All liquid wastes originating at units, service, or other buildings shall be discharged into a sewerage system extended from and connected with the City sewerage system. Such systems shall comply with all provisions of the state code and City ordinances relating to plumbing and sanitation. Each individual space shall be provided with a 3-inch watertight sewer connection protected

from damage by heaving and thawing or by parking of the unit, and located within the rear one-third (1/3) of the stand, with a continuous grade, which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

(7) Other Waste Disposal. Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the City Health Officer and Fire Chief. Open burning of waste or refuse is prohibited.

(8) Utility Distribution System Requirements. All television antenna systems, electrical, and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state, and local codes. Each space shall be provided with a weatherproof electrical overcurrent protection device, disconnect means and branch service of not less than 60 amperes for 220 volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the 4-pole-4-wire grounding type and have a 4-prong attachment for 110-220 volts.

(9) Off-Street Parking Requirements. A minimum of two (2) off-street parking spaces having an area of not less than 360 square feet and surfaced with bituminous concrete or similar material capable of carrying a wheel load of 4000 pounds shall be provided for each mobile home space.

(10) Topographical and Other Conditions. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property, health, or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.

(11) Landscaping Requirements. Every space shall have at least two (2) trees planted upon it, of a species which normally exceeds thirty (30) feet in height at maturity. All yards shall be sodded or planted in lawn grass. Trees, grass and landscape materials shall be properly maintained and/or replaced as necessary to conform to the initial landscaping requirements.

(12) Ground Cover Requirements. Exposed ground surfaces (other than streets, sidewalks or parking areas or as otherwise required by this Chapter) in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(13) Drainage Requirements. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary, and efficient manner.

(14) Support and Tiedown Requirements.

(a) Before a mobile home is located on a space a stand consisting of one of the following shall be installed:

1. A slab of 6-inch thick concrete (3500 psi), with the number of tiedowns required below spaced at regular intervals.

2. Either 8" x 16" x 4" concrete blocks with a double tier of alternately crossed 8" concrete blocks ascending or a 16" x 16" x 4" square solid concrete base. All concrete blocks shall be installed with the hollow core in a vertical position. No I-beam or other part of a mobilehome shall rest directly on the

concrete blocks; wood shims shall be used between the blocks and the mobile home. There shall be a 6-inch thick gravel base under the entire area of the stand.

(b) Tiedowns and anchors are required on all mobile homes. Every tiedown strap and anchoring equipment shall be capable of resisting a working load of not less than 3,150 pounds and capable of withstanding a 50% overload (4,725 pounds) without failure (for example, Type 1 Finish B, Grade 1 steel strapping, 1 1/4 inch wide and 0.035 inch thick conforming with Federal specifications Q-QS781-H). All accessory storage buildings shall be anchored. Mobil home tie downs and anchors shall be installed as follows:

MOBILE HOME SIZE	NUMBER OF OVER-THE-ROOF TIES REQUIRED	NUMBER OF FRAME TIES REQUIRED		
		2' Pier	3' Pier	4' Pier
44' x 12'	2	4	5	5
52' x 12'	2	5	5	6
54' x 12'	2	5	6	7
60' x 12'	2	5	6	7
65' x 12'	2	6	7	8
70' x 12'	2	6	7	9
74' x 12'	2	6	8	9
54' x 14'	2	4	5	6
60' x 14'	2	5	5	6
65' x 14'	2	5	6	7
70' x 14'	2	6	7	8
76' x 14'	2	6	7	8
80' x 14'	2	7	7	8
80' x 16'	2	7	8	8

(15) Lighting Requirements. All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(a) All parts of the park street systems: 0.6 foot-candles, with a minimum of 0.1 foot-candles.

(b) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated with a minimum of 0.3 foot-candles.

(16) Interior Street Access and Paving Requirements. All mobile home spaces shall abut upon an interior street. Minimum widths of interior streets within a mobile home park shall be as follows:

(a) If no parking is allowed either side of the street: 18 feet

(b) If parking is allowed on one side of the street: 28 feet

© If parking is allowed on both sides of the street: 36 feet

All interior streets shall be paved with a smooth, hard, and dense surface such as hot mix asphalt or portland cement, which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed or protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more

than 8%, provided a maximum grade of 12% may be used if approved by the City Director of Public Works.

(17) Sidewalk Requirements. All mobile home parks shall be provided with pedestrian walks of not less than three (3) feet in width. Such walks shall connect each individual mobile home space with all recreational areas and other community facilities within the park and with either the public street or the park road at a location where school buses can pick up children. Grade and surfacing of walks shall be approved by the City Director of Public Works as safe and comparable to sidewalks in other areas of the City subject to similar usage.

(18) Greenbelt Requirements. All mobile home parks shall have a greenbelt or buffer strip not less than five (5) feet wide along all of the outside boundaries of the park. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth, a berm or a screen fence, except where the adjoining property is also a mobile home park screening is not required on the common boundary between the mobile home parks. Compliance with this requirement shall be made within one (1) year from the granting of the mobile home park developer's permit; failure to so comply shall be grounds for non-renewal of the mobile home park license. Permanent plantings shall be grown and maintained at a height of not less than six feet (6'). Screening or planting requirements may be waived or modified by the City Council if it finds that the exterior architectural appeal and functional plan of the park when completed will be materially enhanced by modification or elimination of such screen planting requirements.

(19) Recreation Area Requirements. In all mobile home parks there shall be one or more recreation areas easily accessible to all park residents. Such areas shall include a total minimum area of 4,000 square feet for each 12 lots or fraction of 12 lots in the park. No single recreation area shall contain less than 2,000 square feet, and shall be not less than 20 feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.

(20) Uses: Permitted and Conditional. Single family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one park office, and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks. The following shall be conditional uses in mobile home parks, when designed and limited to exclusive use of park residents:

- (a) Laundromats.
- (b) Clubhouses and facilities for private, social, or recreation clubs.
- (c) Swimming pools.

(21) Signs. No signs shall be erected in mobile home parks except signs pertaining to the lease, hire, or sale of individual mobile homes not more than three (3) square feet in area and one mobile home park identification sign not more than sixteen (16) square feet in area at each park entrance.

(22) Vehicular Access from Public Streets. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

(23) Service Buildings. Service buildings housing sanitation facilities or other facilities of a

mobilehome park shall be constructed of in the manner and with materials typical of a permanent, all weather structure.

(24) Standards are Minimums. The standards and requirements for mobile home park design, layout, and development contained in this section are intended to be minimum standards necessary to create a safe, sanitary, healthful, agreeable, and urbane environment in mobile homes and mobile home parks in the City of Richland Center. The express enumeration of such standards shall not preclude the City Council by resolution or bylaw or express written agreement with the mobile home park owner or developer from imposing additional requirements or modifying the requirements set forth in this Chapter whenever it shall determine that such modifications or additions are more likely to achieve the purposes of this section than those set forth herein and will not conflict with applicable laws of the state or City.

411.07 MOBILE HOME PARK OPERATOR'S LICENSE.

(1) License Required. No person shall operate, administer, or maintain a mobile home park within the City of Richland Center without a valid, unexpired mobile home park license issued by the City Clerk and approved by the City Council upon determination that the standards in this section have been met and payment of the required fee.

(2) License Term. A mobile home park licenses shall be issued for a one (1) year term and shall expire on June 30 next succeeding the date of issue. Licenses may be issued after July 1 of any license year but no proration, rebate or diminution of the fee shall be allowed for a short or part license year.

(3) License Fee. The fee for a one year mobile home park license shall be \$100 for each 50 mobile home spaces or fraction thereof. Licenses may be transferred during a license year for a fee of \$10.

(4) License Revocation or Suspension. Licenses granted under this section shall be subject to revocation or suspension by the City Council for cause in accordance with sec. 66.058 (2) (d), Wis. Stats. "Cause" as used in this subsection shall include, but not be limited to:

(a) Failure to neglect to abide by the requirements of this Chapter or any other City ordinance or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.

(b) Conviction of any offense under the laws of the state or ordinances of the City relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease, or operation of park facilities.

(c) Operation or maintenance of the mobile home park in a manner inimical to the health, safety, or welfare of park occupants or the inhabitants of the City of Richland Center; including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.

(d) Transfer or sale of an ownership interest in any mobile home space or the underlying land to any person other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state and municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

(5) Conditions of Licensing. Except as provided in paragraph (6) of this section, no mobile home park license shall be granted, issued or renewed for any premises or to any person not meeting the following standards and requirements:

(a) All standards and requirements set forth in section 411.05 of this Chapter except as specifically waived or modified in writing by the City Council and endorsed on the mobile home park developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of chap. H 77, Wis. Admin. Code applicable thereto.

(b) Mobile home parks shall be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under sec. 411.05 of this Chapter.

(c) The applicant shall file with the approving officer certificates of the building inspector and health officer certifying that all equipment, roads, sanitary facilities, water facilities, and other equipment and facilities, including roads, have been constructed, or installed in the park as requirements of operation at the time of said application.

(d) Location and operation of the park shall comply with all zoning and land use ordinances of the state and City and no permit shall be issued until the proposed use has been certified by the building inspector as complying with such ordinances.

(e) All of the conditions precedent set forth in Chapter 300 of the Code of Ordinances shall have been met.

(6) Grandfather Clause: Preexisting Parks.

(a) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks located upon lands hereafter annexed to the City, shall be exempt from the following requirements of this Chapter:

1. 411.06 (3) Minimum Space Sizes.
2. 411.06 (4) Setbacks.
3. 411.06 (16) Interior Street Access and Paving Requirements.
4. 411.06 (17) Sidewalk Requirements.
5. 411.06 (18) Greenbelt Requirements.
6. 411.06 (19) Recreation Area Requirements.

provided the park complied with the applicable laws and ordinances in effect at the time of issuance of the original license.

(b) The owner of any mobile home park in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks located upon lands hereafter annexed to the City, shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this Chapter except those exempted herein within six (6) months after the effective date of this Paragraph.

(c) An existing mobile home park having a density in excess of that provided in par. 411.05 (3)

shall not increase its density and shall be operated in all other respects in accordance with this Chapter, except as specifically exempted under subpar. (a) above. The City Council may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety, and welfare of park occupants or inhabitants of the City. All extensions, modifications, or additions to lawfully licensed existing parks or facilities or structures therein shall comply fully with this Chapter, and shall not be subject to the exemptions set forth in subpar. (a) above. **[Amended by Ord 1993-15]**

(7) License Bond Required. Each applicant for an original or renewal license shall file with the City Clerk a bond in the sum of \$1,000.00 for each 50 mobile home spaces or fraction thereof guaranteeing the collection by the licensee of the monthly parking permit fees as provided in section 411.01 of this Chapter and the compliance of licensee and the park management with the provisions of this Chapter. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Chapter. Such bond may consist of the deposit of such amount in a deposit account in the name of the City with delivery of the certificate evidencing the account to the City Clerk, or a commercial bond.

411.08 OPERATION OF MOBILE HOME PARKS: RESPONSIBILITIES OF PARK MANAGEMENT.

(1) Office Required. In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall at all times be kept in said office.

(2) Duties of Park Operator. The attendant or person in charge of the park and the park licensee shall operate the park in compliance with this Chapter and regulations of the City and state and their agents or officers and shall have the following duties:

(a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

1. Names and addresses of all owners and occupants of each mobile home.
2. Number of children of school age.
3. Occupants' State of legal residence.
4. Dates of entrance and departure of each mobile home.
5. Make, model, year, and serial number or license number of each mobile home and towing vehicle or other motor vehicles and state, territory, or country issuing such licenses.
6. Place of employment of each occupant, if any.

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

(c) Notify the City Health Officer immediately of any suspected communicable or contagious disease within the park.

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

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

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

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

(h) Provide every mobile home unit with a substantial, flytight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the City and the regulations of the City Health Officer. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.

(i) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the City, including regulations promulgated by the City's Health Officer and Fire Chief.

(j) Collect the monthly parking permit fee and cash deposits for each occupied nonexempt mobile home within the park and remit such fees and deposits to the City Clerk as required by section 411.10 of this Chapter.

(k) Allow inspections of park premises and facilities at reasonable times by City officials or their agents or employees as provided by par. 411.09 (2) of this Chapter.

411.09 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.

(1) Compliance with Ordinance. Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition.

(2) Placement on Stand; Utility Connections. Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(3) Pets. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

(4) Monthly Parking Fee. Each owner or occupant of a nonexempt mobile home within a mobile park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee as required by section 10 of this Chapter.

(5) Permitting Access for Regulatory Purposes. It shall be the duty of every occupant of a park to give the park licensee or management, or his or its agents or employees, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or ordinance of the United States, State of Wisconsin or City of Richland or any lawful regulation or order adopted thereunder. It shall also be the duty of every occupant of a park to allow inspections at reasonable times by City officials or their agents or employees as provided by par. 411.09 (2) of this Chapter.

(6) Parking Only on Stands. Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.

(7) Conducting Businesses in Mobile Homes. No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted uses in single-family residential districts in the City.

(8) Waste Water Discharge. No person shall discharge any waste water on the surface of the ground within any mobile home park.

(9) Placement of Structures. No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

411.10 ADDITIONAL REGULATIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS.

(1) Old, Dilapidated, Non-Certified or Undersize Mobile Homes prohibited.

(a) No nondependent mobile home which does not meet the requirements for and display a certification and label by the US Department of Housing and Urban Development under 42 US Code secs. 5401 to 5406 shall be kept or stored in a mobile home park or upon any premises in the City.

(b) No nondependent mobile home less than fourteen feet (14') in width shall be kept or stored in a mobile home park or upon any premises in the City. Mobile homes less than 14 feet in width which were in place prior to the effective date of this Chapter may be maintained in place, but shall not be replaced with any mobile home less than 14 feet in width.

(c) No wrecked, damaged, or dilapidated mobile home shall be kept or stored in a mobile home park or upon any premises in the City. Any existing mobile home which becomes wrecked, damaged or dilapidated shall be forthwith removed from the City.

(d) The City Health Officer and Building Inspector shall jointly determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. A mobile home found unfit for human occupancy is hereby declared to be a public nuisance. Whenever the Health Officer and Building Inspector so determine, they shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site

or repaired to a safe, sanitary, and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days after giving such notice. [Amended by Ord 1993-15]

(2) City Inspections. The City Health Officer, City Building Inspector, City Fire Chief, City Board of Health, or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every 12-month period to determine the condition of the park in regard to matters affecting the health, safety, and welfare of the occupants of the park and inhabitants of the City as affected thereby and to further ascertain the compliance of structures and activities therein with the provisions of this Chapter and all other applicable laws of the state and ordinances of the City. Denial of access to such officials or their duly appointed deputies or employees shall be ipso facto grounds for suspension, revocation or non-renewal of the mobile home park license.

(3) Use of Fire. Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the fire chief.

(4) Standards for Repairs. All plumbing, building, electrical, oil or gas distribution, alterations, or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances, and regulations of the state and of the City and their authorized agents.

(5) Skirting Required. All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand. Such skirting shall be soil or other material which completely closes the space between the surface of the stand and the bottom of the mobile home from view and from entry by rodents and vermin, and shall be maintained in a color and condition which generally enhances the appearance of the space. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

(6) Additions to Mobile Homes. No person shall construct, add to or alter any structure, attachment, or building in a mobile home park or on a mobile home space without a building permit from the City building inspector. Construction on, or addition, or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to addition of awnings, antennae, or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard, and rear yard requirements for mobile home units.

(7) Storage Under Mobile Homes Prohibited. Storage under mobile homes is prohibited.

Subsection 411.10(8), being an amendment to Chapter 411 of the Code of Ordinances of the City of Richland Center, is created to read as follows:

(8) Conditional Use Permits for Dealership.

(a) The City Council may issue a conditional use permit to allow the owner of the mobile home park to become licensed by the State of Wisconsin as a dealer in mobile homes. In addition to any other conditions that may be imposed on the issued conditional use permit, the following restrictions shall apply to the sale and stocking of said mobile homes:

1. Mobile homes inventoried for sale by the owner/dealer shall be located on sites within the mobile home park and not in an open sales lot;

2. The number of mobile homes offered for sale by the owner/dealer at anyone time in the mobile home park shall not exceed three (3);
3. All mobile homes for sale shall be properly tied down; and
4. Only new mobile homes, which have never been previously occupied, shall be allowed for sale.

(b) The initial conditional use permit issued pursuant to this section shall be valid for a period of time not longer than one (1) year. Subsequent renewals of the conditional use permit may be for any period of time deemed appropriate by the City Council. [Ord 1997-3]

411.11 MONTHLY PARKING FEE.

(1) Fee Imposed. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City, a monthly parking permit fee determined in accordance with sec. 66.058 (3), Wisconsin Statutes. It shall be the full and complete responsibility of the mobile home park licensee to collect the proper amount from each mobile home owner or occupant. Licensees and owners and occupants of mobile homes permitted to be located on land outside a mobile home park and owner of lands on which such homes are parked shall pay to the City Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this Chapter and such reasonable regulations as the Treasurer may promulgate.

(2) Duty to Notify City. Licensees of mobile home parks and the record titleholders of land upon which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk and City Assessor on such homes added to their park or lands within five (5) days after entry of such homes into the City on forms furnished by the Clerk in accordance with sec. 66.058(3)© and (e) of the Wisconsin Statutes.

(3) Collection of Fees. Owners of nonexempt occupied mobile homes, upon receipt of a notice from the City Clerk of their liability for the monthly parking permit fee, shall remit to the City Clerk a cash deposit of \$25 to guarantee payment of such fees when due to the City Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park or owner of land on which the occupied mobile home is parked to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the City Clerk. Upon receipt of a notice from the owner or licensee that the nonexempt occupied mobile home has been or is about to be removed from the City, the Clerk shall direct the City Treasurer to apply said cash deposit to the balance due or to become due for any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

411.12 PENALTIES.

(1) Forfeiture. In addition to the penalties imposed by section 411.06, any person violating any provisions of this Chapter or failing to perform any duty imposed hereunder or committing any act prohibited hereby shall upon conviction thereof forfeit not less than \$50 nor more than \$400 together with the costs of prosecution and all applicable assessments, and in default of payment of such forfeiture and costs shall, upon order of the Circuit Court, be imprisoned in the Richland County Jail until payment is made, but not exceeding 90 days for each violation, provided that the forfeiture for violation of section

411.10 (3) shall not exceed \$25 plus costs and assessments. Each day of violation of any provision of this Chapter shall be deemed to constitute a separate offense.

(2) Other 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 any other available remedies.

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

CHAPTER 412

GROUNDWATER AND WELLHEAD PROTECTION OVERLAY DISTRICT WITHIN THE CITY OF RICHLAND CENTER

[History: Created by Ord 2001-10, Amended by Ord 2012-10]

412.01 TITLE.

This Chapter shall be known, cited and referred to as the City of Richland Center Wellhead Protection Ordinance (hereinafter alternatively referred to as the "City WHO Ordinance".)

412.02 PURPOSE, AUTHORITY AND APPLICATION.

(1) Finding of Fact and Statement of Purpose. Residents and businesses in the City of Richland Center depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Chapter is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City of Richland Center.

(2) Statutory Authority. Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in sec. 62.23(7), Wis. Stats. Under these statutes, the City has the authority to enact this Chapter to encourage the protection of groundwater resources.

(3) Application of This Chapter.

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

(b) Where the conditions imposed by any provision of this Chapter 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.

(c) 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 Chapter.

(4) Geographic Application. The regulations specified in this Chapter shall apply within the City of Richland Center.

412.03 DECLARATION OF PUBLIC NUISANCE.

Any violation of this Chapter is found to constitute a threat to the water supply of the City of

Richland Center and is hereby declared to be a public nuisance. The City shall have the option of proceeding against any such public nuisance by action for abatement thereof in addition to or in lieu of other enforcement procedures or penalties.

412.04 DEFINITIONS. In this Chapter the following words and phrases shall have the meanings set forth below:

(1) Aquifer. "Aquifer" means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(2) Existing facilities. "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area. Existing facilities include but are not limited to the type listed in Appendix B to the City of Richland Center Wellhead Protection Plan, Wells #6, #7 and #8, September, 2009, which is hereby incorporated herein.

(3) Groundwater Protection Overlay District. "Groundwater Protection Overlay District" means the Wellhead Protection Areas for the municipal wells of the City of Richland Center which lie within the City of Richland Center. Existing facilities include but are not limited to the type listed in Appendix B to the City of Richland Center Wellhead Protection Plan, Wells #6, #7 and #8, September, 2009, which is hereby incorporated herein, and in any future amendments of said Plan which may from time to time be approved by the Common Council. Maps excerpted from said Plan are attached hereto as Exhibits 1, 2 and 3.

(4) POETS. "POETS" shall mean a private on-site wastewater treatment system as defined in chapter SPS 381 of the Wisconsin Administrative Code.,

(5) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Richland Center.

(6) Utilities Commission means the City of Richland Center Utilities Commission.

(7) Well. "Well" means a well operated by the City of Richland Center Water Utility used to provide water to the municipal water system of said City.

(8) Well Field. "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of a well to supply a municipal water system.

(9) Zoning Administrator. "Zoning Administrator" means the person appointed by the City Council of the City of Richland Center to act as the City Zoning Administrator.

412.05 REGULATIONS APPLICABLE IN A GROUNDWATER PROTECTION OVERLAY DISTRICT.

(1) Minimum Separation from Contamination Sources. Certain uses, whether permitted or conditional uses, which are potential sources of contamination shall be adequately separated from any City well by the following Minimum Separation Distances unless a hydro geologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination or department of Natural Resources approved treatment is installed to address the potential contamination concerns. The establishment of a minimum separation distance for a given use by this paragraph shall not be deemed to permit a prohibited use. The Minimum Separation Distances shall be:

(a) Ten feet (10') between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110.

(b) Fifty feet (50') between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AIWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.

(c) Two hundred feet (200') between a well and:

1. Any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole or lift station.
2. Any one or 2 family residential heating fuel oil underground storage tank or above ground storage tank or a POETS treatment tank or holding tank component and associated piping.

(d) Three hundred feet (300') between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(e) Three hundred feet (300') between a well and:

1. Any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy;
2. Any other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure.

These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program

Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(f) Four hundred feet (400') between a well and:

1. A POETS dispersal component with a design capacity of less than 12,000 gallons per day.
2. A cemetery
3. A storm water retention or detention pond.

(g) Six hundred feet (600') between a well and:

1. Any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it;

2. Any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure.

These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(h) One thousand feet (1,000') between a well and:

1. Land application of municipal, commercial, or industrial waste;
2. The boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation;
3. Agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures;
4. Manure stacks or storage structures; or a POETS dispersal component with a design capacity of 12,000 gallons per day or more.

(I) Twelve hundred feet (1,200) between a well and:

1. Any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility;
2. Any sanitary landfill;

3. Any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards;

4. Any coal storage area;

5. Any salt or deicing material storage area;

6. Any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

(2) Permitted uses in the Groundwater Protection Overlay District. The following uses are permitted uses within the Wellhead Protection Area. Uses not listed shall be considered prohibited uses:

(a) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

(b) Playgrounds.

(c) Wildlife areas.

(d) Non-motorized trails, such as bike, skiing, nature and fitness trails.

(e) Residential facilities which are municipally sewerred and which have no flammable or combustible liquid storage tanks and no underground storage tanks (USTs) on the premises.

(3) Prohibited uses in the Groundwater Protection Overlay District. Certain uses are prohibited based upon high risk that activities associated with the fact that these uses routinely involve the storage, use and/or handling of potential pollutants which would cause groundwater pollution. Accordingly, the following uses are prohibited in a **Groundwater Protection Overlay District**:

(a) Any use for which a minimum separation is established by sec. 412.05(1) which is carried on within the minimum separation distance set forth in sec. 412.05(1).

(b) Animal confinement facility, except a veterinary clinic/hospital

(c) Asphalt product manufacturing

(d) Bus or truck terminals

(e) Cemetery

(f) Cheese factory, dairy or dairy product processing plant

(g) Concrete products manufacturing

(h) Dry cleaning businesses

(i) Electronic circuit manufacturing

(j) Electroplating facility

(k) Exterminating businesses

(l) Fertilizer manufacturing or storage facility

- (m) Foundry
- (n) Storage of hazardous and/or toxic materials denominated as such by the US Environmental Protection Agency or the State of Wisconsin
- (o) Any facility dealing with, handling or having on its premises hazardous and/or toxic waste
- (p) Junk yards or auto salvage yards
- (q) Landfill or waste disposal facility
- ® Metal reduction or refinement
- (s) Mining or quarrying, including sand or gravel extraction, except such activity when carried on as part of construction for a permitted or approved conditional use
- (t) Pesticide manufacturing or storage facility
- (u) Paint and/or coating manufacturing or storage, except that storage of 100 gallons or less within a building and in approved containers is allowed
- (v) Plastic or plastic product manufacturing
- (w) Printing or duplicating businesses
- (x) Pulp or paper processing or manufacturing
- (y) Any facility dealing with, handling or having on its premises radioactive materials or waste
- (z) Recycling facility
- (aa) Highway salt storage unless enclosed in a roofed structure
- (bb) Underground storage tanks of any size except those described in sec. 412.05, subject to the conditions set forth therein
- (cc) Vehicle repair establishment, including body repair and/or vehicle painting
- (dd) Vehicle fueling facility or gas station
- (ee) Vehicle washing facility
- (ff) Wastewater spray facility
- (gg) Wastewater treatment facility

(4) Conditional Uses in the in the Groundwater Protection Overlay District. Any use in the Groundwater Protection Overlay District which is not a permitted use and which is not a prohibited use shall be a conditional use and shall require a conditional use permit. In the case of every application for a conditional use permit, the determination whether to grant a conditional use permit shall be made after consideration of the nature of the proposed use and its potential for threatening or degrading groundwater quality.

(5) District Boundaries; Mapping. The location and boundaries Groundwater Protection Overlay District established by this Chapter are as set forth in the City of Richland Center Wellhead Protection Plan, Wells #6, #7 and #8, September, 2009, which is incorporated herein by reference, as the same may be from time to time amended.

412.06 REQUIREMENTS FOR EXISTING FACILITIES AND LAND USES.

(1) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the City of Richland Center.

(2) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the City of Richland Center Utilities Commission, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) Existing facilities shall have the responsibility of devising and filing with the Richland Center Utilities Commission a contingency plan satisfactory to the Utilities Commission for the immediate notification of the appropriate City of Richland Center officers in the event of an emergency.

(5) All uses which involve animal waste including land spreading or animal waste shall be carried on in conformity with all regulations set forth in ACP 50, NARCS 590 and NR 151 of the Wisconsin Administrative code, as the same may from time to time be amended.

412.07 PERMIT REQUIREMENT & PROCEDURES.

(1) Permits Required.

(a) All uses in the Groundwater Protection Overlay District shall require a zoning or land use permit from the City of Richland Center.

(b) A favorable recommendation on an application for a land use permit application by the Richland Center Utilities Commission be in addition to any required zoning or land use permit under Chapter 400 through 411 of the City Zoning Ordinance, nor shall it constitute a determination that the proposed use is in conformity with the provisions of Chapter 400 through 411. The applicant must secure any permit required under Chapter 400 through 411 as well as a permit under this Chapter if the property is in the Groundwater Protection Overlay District. The City may combine the Chapter 400 through 411 permit and the Chapter 412 permit for administrative purposes.

(2) Review and Recommendation on Permit Applications by the Utilities Commission.

(a) All applications for building, zoning or land use permits including conditional use permits within the shall, prior to issuance of a land use permit by the Zoning Administrator, be referred to the City of Richland Center Utilities Commission. The Utilities Commission shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District for the purpose of assessing the proposed use in light of the requirements and regulations of this Chapter and shall make a determination and recommendation as to the permissibility of the requested permit under this Chapter. The Utilities Commission shall then make and forward a recommendation to the Zoning Administrator as to the application,

(b) All determinations and recommendations as to permit applications by the City of Richland Center Utilities Commission within sixty (60) days of any request for permit approval, provided however, that this sixty (60) day period of limitation may be extended by the Utilities Commission for "good cause", as determined in the sole and absolute discretion of the City of Richland Center Utilities

Commission.

(c) In reviewing all requests for approval, the City of Richland Center Utilities Commission shall consider all of the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Richland Center or the City's recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then-existing condition of the City's groundwater public water wells and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
8. Any other hydro geological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(d) Any determination and recommendation by the Utility Commission which exempts the property from the requirements of this Chapter granted may be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The City of Richland Center Utilities Commission may recommend to the City Council that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(e) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

1. The cost of an environmental impact study if so required by the City of Richland Center or its designee.
2. The cost of groundwater monitoring or groundwater wells if required by the City of Richland Center or its designee.

3. The costs of an appraisal for the property or other property evaluation expense if required by the City of Richland Center or its designee.

4. The costs of City's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

5. The cost of any City equipment used in relation to the application.

6. The cost of any mileage reimbursed to City employees in relation to the application.

(f) Upon receipt and consideration of the recommendation of the Utilities Commission, the Zoning Administrator shall refer the matter to the City Council, together with the recommendation of the Utilities Commission and his/her own recommendation. The City Council shall then decide whether to direct issuance of the requested building or zoning permit(s).

412.08 APPEALS FROM ACTIONS OF THE ZONING ADMINISTRATOR OR CITY COUNCIL. The Board of Zoning Appeals of the City of Richland Center created and existing under section 400.05(3) of the Code of Ordinances shall have jurisdiction over appeals from any action of the Zoning Administrator or the City Council under this Chapter. The procedure of Board of Zoning Appeals on matters under this Chapter shall be the same as is set forth in sec. 400.05 of the Code of Ordinances.

412.09 ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

(1) Violations. It shall be unlawful to construct or use any structure, land or water in violation of this Chapter or in violation of a permit issued under this Chapter. This ordinance shall be enforced by the City Utilities Commission acting through its designated employees.

(2) Penalties and Other Remedies.

(a) Forfeiture. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this Chapter 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 \$1000.00, 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, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned 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 imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(b) Remediation Expenses. In addition to any forfeiture or other remedy, in the event any person, corporation or other legal entity causes the release of any contaminants which endanger the Groundwater Protection Overlay District, such person, corporation or other legal entity causing said release shall immediately cease and desist, and shall provide clean-up and remediation of the release satisfactory to the City of Richland Center as provided herein.

1. The person, corporation or other legal entity which causes the release of any contaminants which endanger the Groundwater Protection Overlay District shall be responsible for all costs of cleanup and remediation, including but not limited to the cost of City employees for time expended thereon, the cost of per hour of City equipment used thereon and the cost to the City of any consultants or outside contractors incurred in relation to the release and remediation thereof at the amount invoiced to the City therefor plus administrative costs for oversight, review and documentation, specifically including all of the following:

a. The cost of City employees' time associated in any way with the clean-up, based on the time expended in relation to the matter at the hourly rate paid to the employee multiplied by a factor determined by the City representing the actual cost per hour to the City for the pay of any full or part time employee or official plus all benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

b. The cost per hour of City equipment employed in the clean-up, based upon the City's schedule of rates for equipment usage.

c. The cost of any mileage reimbursed to City employees attributed to the clean-up.

d. The cost to the City of any outside consultants or outside contractors incurred in relation to the release and/or remediation thereof at the amount invoiced therefor to the City plus administrative costs

e. Following any such discharge, the City may require additional test monitoring or other requirements as outlined in Sections 412.06 and 412.07 herein, the costs of which shall also be borne by the person or entity causing the release.

(c) Other Remedies. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, proceed by court action against any violation or violator of this Chapter for injunction, abatement of a public nuisance or other remedy available to the City.

(d) Remedies Not Exclusive. A proceeding seeking other remedies shall not be deemed waived by the City by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to proceeding for other remedies. To the extent permitted by law, actions seeking multiple or alternative remedies may combined in one action.

(e) Actions for Private Nuisance. Nothing in this Chapter shall be deemed to prevent or prohibit any person who is specifically damaged by a violation from instituting appropriate private action or proceeding to enjoin a violation of this Chapter.

(3) Special Inspection Warrant. The City of Richland Center or Richland Center Utilities Commission or their respective employees may apply for a special inspection warrant under sec. 66.0119 Wis. Stats. under appropriate circumstances where a necessity exists to determine if a premises complies with this Chapter.

412.10 SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause paragraph or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not effect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Common Council of the City of Richland Center hereby declares that they would have passed this Chapter and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

412.11 CONFLICTS WITH OTHER ORDINANCES.

Where any provision of this Chapter is in conflict with the provisions of any other ordinance of the City of Richland Center, the provision which is more restrictive shall be deemed controlling.

Changes to Chapter 412 enacted the 5th day of June, 2012