

## CHAPTER 475

### ESTABLISHING EXTRATERRITORIAL ZONING

History: Ords 475 (1969), 1988-17, 1989-14, 1990-23, 1992-10, 1993-11, 1996-01, 2003-14, 2003-15, 2003-16, 2005-08, 2005-09, 2010-06, 2010-13, 2011-1, 2011-2, 2016-13, 2019-9

#### **475.01 TITLE.**

This Chapter shall be known, cited and referred to as the **RICHLAND CENTER EXTRATERRITORIAL ZONING ORDINANCE** except as referred to herein, where it shall be known as "this Chapter".

#### **475.02 INTERPRETATION AND PURPOSES.**

**475.02 (1)** The purpose of this Chapter is to establish zoning requirements for the extraterritorial zoning jurisdiction as set forth by Resolution No. 21 of said Common Council adopted December 7, 1965, wherein said Common Council elected to exercise extraterritorial zoning power pursuant to the provisions of Section 62.23(7a) Wisconsin Statutes within the territory contiguous to said City described in said Resolution No. 21, as such requirements and affected territory have been from time to time amended by ordinance.

**475.02 (2)** This Chapter shall establish zoning districts within said extraterritorial zoning jurisdiction and shall regulate and restrict the use, height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence, agricultures or other purposes, and shall divide such jurisdiction in districts of such number, shape and area as are deemed best suited to carry out the said purposes and within such districts regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land and to provide a method for its administration and enforcement and to provide penalties for its violation.

**475.02 (3)** This Chapter is adopted for the purpose of:

- (a) Protecting the public health, safety, comfort, convenience and general welfare.
- (b) Dividing the unincorporated portion of the territory subject to the extraterritorial zoning power of the City of Richland Center into zones and districts and restricting and

regulating therein the location, construction, reconstruction, alteration and use of structures and land.

(c) Promoting orderly development of the residential, business, industrial, recreational and public areas in the extraterritorial zone.

(d) Providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.

(e) Limiting congestion in the public right-of-ways.

(f) Regulating the compatibility of different land uses and the most appropriate use of land.

(g) Providing for the administration of this Chapter and defining the powers and duties of the administering officers as provided hereinafter.

(h) Prescribing penalties for the violation of the provisions in this Chapter or any amendment thereto.

**475.02 (4)** The provisions of this Chapter shall be held to the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Richland Center, Wisconsin, and its extraterritorial zone.

**475.02 (5)** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Chapter shall govern.

## **475.04 GENERAL PROVISIONS.**

### **475.04 (1) APPLICATIONS 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 general 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 provisions 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.

**475.04 (2) SEVERABILITY.**

It is hereby declared to be the intention of the Common Council that the several provisions of this Chapter are severable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

**475.04 (3) NON-CONFORMING USES AND STRUCTURES.**

(a) Any structure or use lawfully existing upon the effective date of this Chapter may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified.

(b) Nothing in this Chapter shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector, provided the necessary repairs shall not constitute more than fifty per cent (50%) of the fair market value of such structure as shown on the tax assessment roll at the time of such declaration, except that a residence located in an "E-A" Exclusive Agricultural district on November 1, 1988, may be continued in residential use and the 50% limitation shall not apply to repairs or reconstruction of such a preexisting residence located in an "E-A" Exclusive Agricultural district per ATCP 49.22(1) Wis. Admin. Code.

(c) When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

(d) A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or

parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.

(e) Whenever a lawful non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it be reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure is fifty per cent (50%) or more of the fair market value of the structure as shown on the tax assessment roll at the time of the damage. If the damage is fifty per cent (50%) or more of the fair market value of the structure as shown on the tax assessment roll at the time of the damage the whole of the structure shall be demolished or reconstructed as a conforming use and thereafter shall be for a use in accordance with the provisions of this Chapter, except that a residence located in an "E-A" Exclusive Agricultural district on November 1, 1988, may be continued in residential use and the 50% limitation shall not apply to repairs or reconstruction of such a preexisting residence located in an "E-A" Exclusive Agricultural district. [ATCP 49.22(1) Wis. Admin. Code]

(f) Whenever a lawful non-conforming use of a structure or land is discontinued for a period of twelve (12) months, any future use of said structure or land shall be in conformity with the provisions of this Chapter.

(g) Any lawful non-conforming use of land not involving a structure, and any lawful non-conforming use involving a structure with an equalized assessed valuation upon the effective date of this Chapter of One Thousand Dollars (\$1,000) or less, may be continued for a period of thirty-six (36) months after the effective date of this Chapter, at which time such non-conforming use shall cease, unless the use is brought into conformity with the provisions of this Chapter.

(h) Any proposed structure which will, under this Chapter, become non-conforming but for which a building permit has been lawfully granted within the six (6) months prior to the effective date of this Chapter, may be completed in accordance with the approved plans, provided construction is started within three (3) months of the effective date of this Chapter, and continues to completion within one (1) year. Such structure shall thereafter be a legally existing non-conforming structure.

(i) Normal maintenance of a building or other structure containing or related to a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(j) Alterations may be made to a building containing non-conforming residential units when they will improve the habitability thereof, provided they will not increase the number of dwelling units or bulk of the building, except that a garage for storage of personal vehicles of the occupants of such residential units may be added if none previously existed.

#### **475.04 (4) GENERAL LOT PROVISIONS.**

(a) A lot of record existing upon the effective date of this Chapter in an "R" District, which does not meet the minimum requirements of this Chapter may be utilized for single family detached dwelling purposes provided the measurements of the lot's area and width are within seventy percent (70%) of the requirements of this Chapter, but such lot of record shall not be more intensively developed or used for any other purpose unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this Chapter.

(b) Except in the case of planned developments as provided for hereinafter, not more than one principal building shall be located on a lot.

(c) On a through lot, both street lines shall be front lot lines for the purpose of applying the requirements of this Chapter.

#### **475.04 (5) ACCESSORY BUILDINGS AND STRUCTURES.**

(a) **[Deleted by Ord 2003-14]**

(b) In all "R" Districts no accessory building shall be erected which has any side wall which extends beyond fourteen feet (14') above ground level. **[Amended by Ord 1993-11]**

(c) In all "R" Districts no accessory building shall be erected which exceeds three thousand square feet of floor area except by conditional use permit. **[Amended by Ord 1993-11]**

(d) On a lot which is less than 1 1/2 acres in size, no detached garage or other accessory building shall be located nearer the front lot line than the principal building on the lot. **[Amended by Ord 2003-14]**

(e) All accessory buildings on through lots located in "R" Districts shall require a conditional use permit.

(f) No cellar, basement, tent, trailer, or accessory building shall be used as an occupied dwelling, excepting that a tent, camper, or other recreational vehicle may be occupied for up to fourteen (14) consecutive days in any one calendar year in districts zoned E-A or A-R. **[Amended by Ord 2003-14]**

(g) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered or moved within five (5) feet of the principal building on the lot or within three (3) feet of any lot line.

(h) In all "R" Districts no accessory building shall be erected the floor area of which

exceeds five per cent (5%) of the square footage of the lot upon which it is erected. [Added by Ord 2003-14]

#### **475.04 (6) SANITARY PROVISIONS.**

##### **(a) Water Supply.**

1. **Public Water Supply:** All plumbing fixtures shall be served by a public water supply where available
2. **Private Water Supply:** Well construction, materials and location shall be in conformity with the applicable portions of the Wisconsin Administrative Code and of the Wisconsin Statutes and the requirements therein. Existing and new wells located in flood plains shall be flood-proofed.

##### **(b) Waste Disposal.**

1. **Prohibitions:** The discharge of liquid or solid wastes into any surface waters shall not be permitted. No person shall discharge such wastes in violation of the applicable Wisconsin Statutes, Wisconsin Administrative Code or local ordinances.
2. **Liquid waste disposal** shall conform to the applicable requirements of the Wisconsin Statutes and Wisconsin Administrative Code.
3. **Rubbish, cans and bottles** shall not be discharged or disposed of into any surface waters.
4. **Solid wastes** shall be disposed of only in conformity with the Wisconsin Administrative Code and with the approval by the Department of Natural Resources.

##### **(c) Sewage Disposal.**

1. **General Requirements:** All premises intended for human occupation or occupancy shall be provided with an adequate, functioning public sewer or septic tank and soil absorption system.
2. **Public Sewer:** All plumbing fixtures shall be connected to a public sanitary sewer system where available.
3. **Private Sewage Disposal:** Where access to a public sanitary sewer system is

not available, a septic tank and soil absorption system must be provided in conformance to the requirements of the Wisconsin Statutes, Wisconsin Administrative Code and/or this Chapter, whichever is the most restrictive. Private sewage disposal systems must be abandoned and the fixtures connected to a public sanitary sewer system within one year after such system is available.

a. Sanitary Permit Required: Work on or the change of use of a structure or facility requiring private sewage disposal facilities shall not begin until a sanitary permit has been issued by Richland County. No septic tank system shall be installed, extended, enlarged, converted, or structurally altered without a sanitary permit and without full compliance with the provisions of this Chapter, including minimum absorption areas as determined by soil tests, and all city, village, town, state, and other applicable regulations. Applications for a Sanitary Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Sanitary Inspector.

b. Septic Tanks: Septic tanks shall be furnished, installed and located in conformity with the applicable requirements of the Wisconsin Statutes and Wisconsin Administrative Code.

c. Soil Absorption Fields: Soil absorption fields shall be furnished, installed and located in conformity with the applicable requirements of the Wisconsin Statutes and Wisconsin Administrative Code. All components of soil absorption systems shall conform to the requirements of chap. H63, Wisconsin Administrative Code.

d. Minimum Size Lot Requirements Set By State Law: Notwithstanding any other provision of this Chapter relating to lot sizes, in the case of any lot not served by both a public sewer and public water supply, the minimum lot area and lot dimensions and area free of limiting conditions shall be no smaller than that required by all applicable provisions of the Wisconsin Statutes and Wisconsin Administrative Code for private water supply and/or private sewage disposal for the use to be carried on such lot. Where this Chapter requires a larger lot size or larger dimensions than required by the Wisconsin Statutes and/or Wisconsin Administrative Code, the requirements of this Chapter shall control.

#### **475.04 (7) REQUIRED YARDS AND OPEN SPACE REQUIREMENTS.**

(a) No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this Chapter, and if the existing yard or other open space as existing at the time of the enactment of this Chapter is less than the minimum required, it shall not be further reduced.

(b) No required yard or other open space allocated to a building or dwelling use shall be used to satisfy yard, other open spaces, or minimum lot area requirements of any other building or dwelling use.

(c) Where any side yard, rear yard or court abuts a boundary line between two different zoning districts, and such side yard, rear yard or court lies in the less restrictive of the abutting zoning districts, the yard or court shall have a minimum width and depth equal to the average of the minimum widths and depths required for such yards and courts in the two districts which abut the boundary line.

(d) Subject to the provisions of (8), the following shall not be considered to be encroachments on yard and setback requirements:

1. In Any Yard:

- a. Off-street open parking spaces;
- b. Open terraces;
- c. Sidewalks;
- d. Flag poles;
- e. Unenclosed steps leading from ground level to the floor of a building closest to ground level;
- f. Single posts, located not less than four feet (4') from any similar post;
- g. Yard lights;
- h. Flues and chimneys;
- i. Belt courses;
- j. Leaders, pilasters or lintels;
- k. Ornamental features covering less than fifteen (15) square feet of ground area;
- l. Cornices, eaves troughs, or gutters;
- m. Awnings or open canopies attached directly to a building;
- n. Open (unenclosed) fire escapes;

2. In Front Yards:

- a. Fences not more than thirty (30) inches high and not less than thirty percent (30%) open. Any fence in a front yard more than thirty (30) inches high and/or less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used



in any fence within the Extraterritorial Zone, unless such fence is a boundary fence abutting a parcel of land being used as a farm or in conjunction with a farm for agricultural purposes.

3. In Side Yards:

- a. Decorative or retaining walls forty-two (42) inches high or less;
- b. Hedges six feet (6') or less in height;
- c. Driveways, private parking spaces and carports for passenger cars;
- d. Fences six feet (6') or less in height and not less than thirty percent (30%) open. Any fence in a side yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being used as a farm or in conjunction with a farm for agricultural purposes.

4. In Rear Yards:

- a. Recreational equipment;
- b. Clotheslines;
- c. Open arbors and trellises;
- d. Balconies;
- e. Breezeways
- f. Open decks and open or screened porches, but not including enclosed , insulated porches intended for year round use;
- g. Patios the floor of which is at or not more than one foot (1') above the level of the surrounding ground;
- h. Outdoor eating facilities, such as barbecues and picnic tables.
- i. Permitted accessory buildings or uses.
- k. Fences six feet (6') or less in height and not less than thirty percent (30%) open. Any fence in a rear yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being used as a farm or in conjunction with a farm for agricultural purposes.

**475.04 (8) TRAFFIC VISIBILITY.**

No fences, structures (including signs) or plantings shall be permitted within any yard areas on a corner lot which shall interfere with the visibility across the corner within thirty (30) feet of the intersecting street right-of-way lines. However, this provision shall not be deemed to impose a lesser standard where a larger visual clearance triangle is required by (10).

**475.04 (9) ESSENTIAL SERVICES (PUBLIC UTILITY USES).**

Essential services shall be permitted as authorized and regulated by Wisconsin Statutes and Wisconsin Administrative Code, and by ordinances of the City of Richland Center, it being the intention that essential services are exempt from the application of this Chapter. This Chapter shall, however, apply to essential service structures, and an appropriate permit is required for all structures which are an integral part of a system for public transportation or for transmitting power, water, heat, communication, gas or sewage by any public utility.

#### **475.04 (10) REQUIRED SETBACK FROM STATE HIGHWAYS, COUNTY TRUNKS AND TOWNSHIP ROADS.**

(a) Highway Setbacks. For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, and the highways of Richland County are divided into the following classes:

1. Class A Highways:

a. All State and Federal highways are hereby designated as Class A highways.

b. The setback from Grade A highways shall be 110 feet from the center line of the highway or fifty (50) feet from the right-of-way line, whichever is greater.

2. Class B Highways:

a. All County trunks are hereby designated as Class B highways. For the purpose of this Chapter any road will be considered as a County trunk after it has been placed on the County trunk system by the County board and approved by the Department of Transportation.

b. The setback from Class B highways shall be seventy-five (75) feet from the center line of such highway or forty-two (42) feet from the right-of-way line whichever is greater.

3. Class C Highways:

a. All town roads, public streets and highways not otherwise classified are hereby designated as Class C highways.

b. The setback from Class C highways shall be sixty-three (63) feet from the center line of such highway or thirty (30) feet from the right-of-way line whichever is greater.

(b) Visual Clearance Triangle. In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet from a Class C highway intersection.

(c) Objects permitted within highway setback lines and visual clearance triangles:

- a. Open fences.
- b. Telephone, telegraph and power transmission poles, lines and portable equipment.
- c. The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery or crops shall be planted within a visual clearance triangle so as to obstruct view.

(d) Reduced Building Setbacks. A setback less than the setback required for the appropriate class of highway may be permitted where there are at least five (5) existing main buildings within 500 feet of the proposed site that are built to less than the required setback. In such cases, the setback shall be the average of the nearest main building on each side of the site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Any other setback may be permitted by the Board of Appeals.

**475.04 (11) [Not Used]**

**475.04 (12) LAND RECLAMATION.**

Under this Chapter Land Reclamation is the reclaiming of land by the depositing of material so as to elevate the grade. Land reclamation shall be permitted only by conditional use permit in all districts. Any lot or parcel upon which six hundred (600) cubic yards or more of fill is to be deposited shall constitute land reclamation. No such conditional use permit shall be issued unless the permit application includes a finished grade plan which satisfactorily demonstrates that the reclamation activity, if permitted, will not adversely affect the adjacent land. Any such permit as conditions of issuance, shall regulate the type of fill permitted, outline a program for rodent control, outline a plan for fire control and general maintenance of the site, set forth controls of vehicular ingress and egress, and set forth means of control of material dispersed by wind or by the process of hauling material to or from the site. Such a conditional use permit may be open-ended as to duration, or may be issued for a limited period of time.

**475.04 (13) MINING.**

Under this Chapter Mining is the extraction of sand, gravel, or other material from the land in the amount of six hundred (600) cubic yards or more and removal thereof from the site without processing. Mining shall be permitted in any zoning district other than an "E-A" district, and then only upon issuance of a conditional use permit. No such conditional use permit shall be issued unless the permit application includes a finished grade plan which sets forth the route of trucks moving to and from the site and which demonstrates to the satisfaction of the issuing authority that the mining activity, if permitted, will not adversely affect the surrounding land or the development of the site on which the mining is being conducted. Such application shall further contain a plan whereby the area in which the mining activity is to be conducted, including all spoil deposit areas, shall be re-covered with soil suitable for growing cover vegetation, and

specifying a time schedule in which the permittee shall install such cover and plant such vegetation. Such a conditional use permit shall be issued for a limited period of time, but may upon re-application be renewed upon its expiration if it is found that all conditions incidental to the former permit have been fulfilled, including recovery of used areas of the site.

**475.04 (14) SOIL PROCESSING.**

Under this Chapter, Soil Processing is the operation of processing sand, gravel or other material mined from the land. Soil Processing shall be permitted in any zoning district other than an "E-A" district, and then only upon issuance of a conditional use permit. No such conditional use permit shall be issued unless the permit application includes a finished grade plan which sets forth the route of trucks moving to and from the site and which demonstrates to the satisfaction of the issuing authority that the soil processing activity, if permitted, will not adversely affect the surrounding land or the development of the site on which the soil processing is being conducted. Such application shall further contain a plan whereby the area in which the soil processing activity is to be conducted, including all spoil deposit areas, shall be re-covered with soil suitable for growing cover vegetation, and specifying a time schedule in which the permittee shall install such cover and plant such vegetation. Such conditional use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water and route of trucks moving to and from the site in removing processed material from the site. Such a conditional use permit shall be issued for a limited period of time, but may upon reapplication be renewed upon its expiration if it is found that all conditions incidental to the former permit have been fulfilled.

**475.04 (15) RELOCATED STRUCTURES.**

Before any existing house or other structure is moved onto a vacant lot, a conditional use permit must be secured. The Planning Commission shall report to the City Council whether the structure proposed to be so moved will be compatible with other development in the area. If the City Council concurs with the decision of the Planning Commission that the structure would depreciate the area into which it is to be moved, the City Council may withhold issuance of a permit for such relocation. The Building Inspector shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for an aggregate period of eight (8) months or less.

**475.04 (16) VACATED STREETS.**

Whenever any highway, street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.

**475.04 (17) PLATTING AND SUBDIVISION OF LANDS.**

(a) All subdivisions of land shall be in conformity with all applicable requirements of Chapter 236 of the Wisconsin Statutes and with all applicable requirements of this Chapter.

(b) All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning.

(c) Any lot or lots having an area of one and one-half (1 1/2) acres or less, created by any means for purposes of erecting a structure, must be approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission which shall submit a report to the City Council.

(d) Each person subdividing land shall dedicate lands for the following public purposes:

1. Streets: Public streets with a minimum right-of-way width of sixty-six (66) feet shall be provided by the developer where required by the Planning Commission or the City Council. The City Council may, in its discretion, reduce the width of such required right of way.
2. Parks and Playgrounds: A minimum of 5% of the total area of the subdivision shall be dedicated to the public for parks, playgrounds, and/or open spaces.
3. Drainage: Where required by the topography, surface drainage channels shall be provided to insure adequate drainage capacity, either by dedication or by easements.

**475.04 (18) DWELLING UNITS.**

No garage, tent, trailer, or accessory building shall at any time be used as a dwelling unit except mobile homes located in an approved mobile home park.

**475.04 (19) STREET FRONTAGE REQUIRED FOR DWELLINGS. [Repealed by Ord 1990-23]**

**475.04 (20) PARKING SPACE REQUIREMENTS.** The following requirements for

the provision of off-street parking spaces shall be observed:

(a) All "R" Districts: two (2) parking spaces per dwelling unit.

(b) "C" Districts: parking spaces sufficient to handle all of the anticipated parking needs generated by employees and customers to be determined by the City Council on the basis of accepted standards for parking spaces needed but in no case shall the requirements be less than one (1) off-street space per two hundred square feet of gross floor area for retail or office structures.

(c) "I" and "I-P" Districts: sufficient off-street parking spaces to handle all anticipated parking needs generated by employees, customers and other vehicle parking needs to be determined by the City Council on the basis of accepted standards of parking spaces needed. Off-street loading zones and docks shall be provided if the principal use structures exceeds six thousand (6,000) square feet of floor space.

#### **475.04 (21) REZONING.**

Rezoning for any individual business or industry shall not be permitted except in the following circumstances:

(a) The rezoned property is an extension of an existing Commercial or Industrial District.

(b) The rezoned property is designed to be a part of a larger, integrated and planned business or industrial development area as designated on the City's Master Plan.

(c) The City Council finds other compelling reasons for such rezoning, not inconsistent with the overall plan of development of the City.

#### **475.04 (22) STRUCTURES WITHIN A PUBLIC RIGHT-OF-WAY.**

No structure shall be located in or on any public lands or rights-of-way without a permit therefore issued pursuant to appropriate Wisconsin Statute, County or Town Ordinance or other applicable laws and regulations.

#### **475.04 (23) PLANNED UNIT DEVELOPMENTS.**

Planned unit developments are conditional uses under this Chapter in each of the described zoning districts, provided all uses to be carried on in such developments are permitted uses in the zoning district where the development is located. A conditional use permit for a planned unit development may waive certain requirements of this Chapter as relate to the development, including the limitation of only one principal structure on a lot and individual lot

size requirements, providing that:

(a) The outside boundaries of the planned unit development shall be shown on a certified survey map prepared and recorded pursuant to sec. 236.34 Wis. Stats.

(b) A complete site plan shall be submitted showing the location, outside dimensions and uses of all structures, driveways, sidewalks, trafficways, parking facilities, publicly dedicated areas, landscaping, screening, sources of water, sewerage disposal facilities and other planned features for the entirety of the planned unit development.

(c) A planned unit development shall be consistent with the overall development plan for the extraterritorial zone as shown by the zoning districts shown on the Extraterritorial Zoning Map.

(d) A planned unit development shall be consistent with the purposes of this Chapter.

(e) A planned unit development shall be provided with adequate community facilities, including but not limited to a water supply and a sewer system sufficient for the uses set forth on the site plan, and it shall in all respects conform to all subdivision regulations of the City and provisions of this Chapter except for such specified requirements as may be waived in regard to the development.

(f) No building permit for any component of a planned unit development shall be issued without the prior issuance of a conditional use permit for the development. A conditional use permit for a planned unit development may be granted by the City Council after review by and a favorable recommendation from the Planning Commission. Prior to making a recommendation or the taking of action by the City Council, additional data may be requested to supplement the site plan if deemed necessary to an evaluation of the proposed development. Such conditional use permit shall specify thereon any provisions of this Chapter which have been waived as to the particular planned unit development.

(g) Approval of a conditional use permit for a planned unit development shall not constitute acceptance by the City Council of a dedication of any street, park or other portion of the development shown on the site plan.

**475.04 (24) PERMITTED USES.**

Except as specifically provided, no building or premises may be devoted to uses other than those indicated as permitted uses according to provisions of this Chapter.

**475.04 (25) BULK STORAGE (LIQUID).**

(a) All uses associated with the bulk storage of a quantity in excess of one thousand (1,000) gallons of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosive, or water contamination hazards are not present that would be detrimental to the public health, safety and general welfare.

(b) All existing, above ground liquid storage tanks having a capacity in excess of six hundred (600) gallons per tank shall secure a conditional use permit within twelve (12) months following enactment of this Chapter; the City Council may require the installation of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred and fifteen percent (115%) of the gross tank capacity. Any existing storage tank that, in the opinion of the City Council, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this Chapter.

#### **475.04 (26) MOTELS.**

Motels shall contain at least six hundred (600) square feet of lot area per unit, except that there shall be at least one thousand (1,000) square feet of lot area per unit, intended for permanent occupancy (two weeks or more) by a family.

#### **475.04 (27) PERFORMANCE STANDARDS.**

(a) Purpose. The guiding of urban development so as to develop a compatible relationship of uses depends upon certain standards being maintained. All uses permitted in the various districts, including conditional uses and accessory uses, shall conform to the following standards:

(b) Noise. Any use established shall be so operated that no noise resulting from said use is perceptible beyond the boundaries of that plat line of the site on which such uses is located. This standard shall not apply to incidental traffic, parking, loading, construction, or maintenance operations.

(c) Smoke and Particulate Matter. Any use established, enlarged or remodeled after the effective date of this Chapter shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or nor shall endanger the health, safety, comfort or general welfare of the public.

(d) Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to property or business.



(e) Odors. Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located.

(f) Vibration. Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

(g) Glare or Heat. Any use requiring an operation producing an intense heat or direct light transmission shall be performed with the necessary shielding to prevent such heat or direct light from being detectable at the lot line of the site on which the use is located.

(h) Explosives. Any use requiring the storage, utilization, or manufacture of materials or products capable of rapid decomposition by detonation, included but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or projectile propellants shall be located not less than four hundred (400) feet from the nearest boundary line of any "R" District.

(i) Screening. Any use in an "I" District upon a lot abutting an "R" District shall effectively screen any open storage from eye level vision by providing and maintaining a wall, fence, or thirty (30) foot wide planting strip to screen and reduce the noise, dust and vision between the two uses. Such wall or fence shall be six (6) feet in height and at least fifty (50) percent closed.

(j) Waste Material. Waste material resulting from or used in Industrial or Commercial manufacturing, fabricating, servicing, processing, or trimming shall be disposed of in a manner approved by the City. The City may establish appropriate regulations and standards therefor.

#### **475.04 (28) EXCEPTIONS AND MODIFICATIONS TO STANDARDS AND REGULATIONS.**

The requirements and standards specified in this Chapter may be modified, subject to the following limitations:

(a) Height Limitations: Height limitations as set forth in this Chapter may be increased without a variance by fifty percent (50%) when applied to the following:

1. Antenna intended for Radio and/or TV
2. Belfries
3. Church spires and steeples
4. Cooling towers
5. Elevator penthouse

6. Flag poles
7. Smoke stacks
8. Water towers (private)

Heights in excess thereof for such purposes may be permitted only by a conditional use permit granted by resolution of the Common Council determining that such structure would not be dangerous and would not adversely affect the adjoining or adjacent property.

(b) Front Yard Variance: In any district, where a platted block or otherwise subdivided area has buildings located on fifty percent (50%) or more of the parcels located within 500 ft. of the parcel in question, the front yard setback line may be reduced or enlarged to meet the average front setback lines already established by the dwellings located in such block but in no case shall it be less than fifteen (15) feet.

(c) Rezoning: Rezoning for any individual business or industry shall not be permitted unless it is an extension of an existing business or industrial district as established by the Common Council or is designated to be a part of a business or industrial area.

(d) Uses not provided for within Zoning Districts: Whenever in any district a use is neither specifically permitted nor prohibited, the Common Council, the Plan Commission, or a property owner may request a study by the Plan Commission to determine whether the particular use is compatible with uses in any district in the area and City and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to the use. The Common Council may upon receipt of the study initiate an amendment to this chapter to provide for the particular use under consideration or may find that the use is not compatible within the zoning district.

(e) Farming Operations: All farms currently in existence will be permitted to continue operation in all districts, provided that any changes or additions to the existing farming operations and any additions to or modifications of structures shall be in conformity with this Chapter and in all other regards the operation shall move toward conformity with the requirements and regulations of this Chapter.

(f) Limitations on Re-application for a Variance, Conditional Use Permit or Zoning Amendment: A request for a variance, conditional use permit, rezoning or zoning ordinance amendment which has been acted upon by the appropriate authority may not be requested again until a period of six (6) months has passed unless the applicant can show to the satisfaction of the Administrator that the conditions which were present when the earlier request was filed have changed materially or that the request is substantially different from the earlier request.

#### **475.04 (29) INTERPRETATION.**

In any case where there is doubt as to the meaning of this Chapter as applied to any proposed use, the zoning administrator shall submit the application for a building permit or proposal for open land use to the Planning Commission who shall make a report to the City Council; the City Council shall determine if a building permit shall be issued or if the open land use may be permitted.

**475.04 (30) REQUIREMENTS FOR SINGLE FAMILY DWELLINGS AND DUPLEX DWELLINGS. [Added by Ord 2003-16]** No single family dwelling or duplex dwelling shall be erected or installed in any zoning district within the Extraterritorial Zone of the City of Richland Center other than in an approved Mobile Home Park or Recreational Vehicle Park, unless it meets all of the following criteria:

(a) The structure shall be set on a full basement or other permanent enclosed foundation in accordance with the Wisconsin Uniform Building Code or set on a comparable enclosed foundation system approved by the Building Inspector. The structure shall not rest on a metal frame where the foundation meets the sills or floor joists.

(b) The structure shall have a minimum floor area of 960 square feet (not including any garage, carport, porch, 3/4 season room or breezeway); and a minimum width of 24 feet on the side of the building parallel with the floor joists.

(c) All on site construction shall be in compliance with the Wisconsin Uniform Building Code, and the Wisconsin Plumbing and Electric Codes.

(d) The structure shall have a pitched roof with a minimum slope of Three (3) feet vertically and Twelve (12) feet horizontally and shall have eaves extending outward from the exterior wall covering a minimum of Sixteen (16) inches. **[Added by Ord 2003-15]**

**475.04 (31) RECREATIONAL VEHICLE (RV) PARKS. [Added by Ord 2003-16]** All Recreational Vehicle Parks shall be established by a Conditional Use Permit and such facilities shall meet the following conditions:

(a) Each site shall be plainly marked, and surfaced;

(b) The maximum number of sites shall be Fifteen ( 15) per acre;

(c) The minimum size of a Recreational Vehicle Park shall be Three (3) acres;

(d) The minimum dimensions of a recreational vehicle site shall be Twenty-five (25) feet wide by Forty (40) feet long;

(e) The minimum dimensions of a tent site shall be Twenty-five (25) feet wide by Twenty-five (25) feet long;

(f) Each recreational vehicle site shall be separated from other sites by a yard of not less than Fifteen (15) feet;

(g) There shall be One (1) automobile parking space for each recreational vehicle, or tent site;

(h) In addition to the highway setback requirements, and setback requirements from the high water mark, there shall be a minimum setback of Forty (40) feet from all other exterior lot lines;

(i) The facilities shall comply with all applicable requirements of the Wisconsin Administrative Code, and the Wisconsin Statutes;

(j) No recreational vehicle shall be located on one site for a period of more than Six (6) Months, provided, however, that this requirement shall not apply to an owner/operator or employee of the Recreational Vehicle Park;

(k) No recreational vehicle shall be stored in a Recreational Vehicle Park; provided, however, that the campground may provide a separate storage area for recreational vehicles. Such separate storage area shall be located within the park, and shall be fenced. The number of recreational vehicles to be stored shall not exceed Twenty-five percent (25%) of the number of sites located within the campground;

(l) No shelter designed or used as a single family home shall be permitted in a Recreational Vehicle Park;

(m) Permanent Recreational Vehicle Park Model RV's may be allowed in Recreational Vehicle Parks, if specifically authorized by the Conditional Use Permit.

(n) This section shall not be construed to prohibit the parking of a tent, camper, or other recreational vehicle for up to fourteen (14) consecutive days in any one calendar year outside of a Recreational Vehicle Park.

## **475.05 ADMINISTRATION AND ENFORCEMENT.**

### **475.05 (1) AMENDMENTS TO THIS ZONING ORDINANCE.**

In accordance with the provisions of Wisconsin Statutes, the City Council may, from time to time, adopt amendments to this Chapter. All proposed amendments shall be referred to the

Joint Extraterritorial Zoning Committee prior to adoption, in the manner described below, unless such proposed amendment originates with the Joint Extraterritorial Zoning Committee. The procedure for such amendments shall be as set forth in (6) below.

**475.05 (2) ZONING ADMINISTRATOR: POWERS AND DUTIES.**

The Zoning Administrator shall administer this Chapter and in addition thereto and in furtherance of said authority, he/she shall:

- (a) Determine that all building permits comply with the terms of this Chapter.
- (b) Conduct inspections of buildings and use of land to determine compliance with the terms of this Chapter.
- (c) Maintain permanent and current records of all matters pertaining to the provisions and administration of this Chapter including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications therefore. Such records may be maintained by the zoning administrator in the office of the City Clerk, in cooperation with such Clerk.
- (d) Receive and forward all applications for rezonings, appeals, variances, conditional use permits or other matters arising under this Chapter to the designated official bodies.
- (e) Assist the Planning Commission and the City Council in regard to matters arising under this chapter, by making such investigation of matters pertaining to this Chapter as they may request and reporting the findings thereof and recommendations thereupon to the requesting body.
- (f) Request institution in the name of the City of Richland Center of any appropriate actions or proceedings against violators of this Chapter as provided by law.

**475.05 (3) BOARD OF ZONING APPEALS.**

(a) Creation of Board of Zoning Appeals.

1. There is hereby created, pursuant to sec. 62.23(7)(e) Wis. Stats., a Board of Zoning Appeals for the City of Richland Center. This Board of Zoning Appeals shall be the same Board as that created under Chapter 479 of the Code of Ordinances of the City of Richland Center.
2. The Board of Zoning Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the City Council, for terms of three years. The Mayor shall designate one of the members as chairperson. In addition, the Mayor may appoint

one or two persons as alternate members of the Board of Zoning Appeals. If there is more than one alternate, the Mayor shall designate one member as first alternate and the other as second alternate. Such alternate members shall not vote unless one of the regular members of the Board is absent from a meeting or refuses to vote because of interest in the matter under consideration, in which case the first alternate member shall have a vote. If two members are absent or refuse to vote because of interest, both alternate members shall have votes.

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

(b) Powers of Board of Zoning Appeals.

1. The Board of Zoning Appeals shall have the following powers:

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

b. To hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass by the terms of this Chapter.

c. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare observed, and substantial justice done.

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

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

(c) Meetings of the Board of Zoning Appeals.

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

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

**475.05 (4) PROCEDURE ON APPEALS TO THE BOARD OF ZONING APPEALS.**

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

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

(c) No appeal of an adverse decision shall be referred to or considered by the Board of Zoning Appeals unless the aforesaid written notice of appeal has been timely filed with the City Clerk. The City Clerk is hereby appointed the agent of the Board of Zoning Appeals for the purpose of receiving any notice of appeal required to be filed with the Board.

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

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

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

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

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

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

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

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

(k) The Board of Zoning Appeals shall not have the power to rezone any property, nor shall it have the power to amend this Chapter.

#### **475.05 (5) BUILDING PERMITS.**

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

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

1. The applicant or agent of the applicant shall fill out completely and file with the City Clerk an Application for Building Permit form, which form shall be furnished by the City.
2. The applicant or agent of the applicant shall pay over to the City Clerk the prescribed fee for the requested building permit.
3. The applicant or agent of the applicant shall in addition file with the Clerk or



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

4. An Application for a Building Permit shall not be deemed a completed application until the application form has been filed, the fee paid and any additional requested data have been filed, and neither the Building Inspector nor the City Council need take any action on any application deemed incomplete.

(c) Procedure Upon Receipt of Application.

1. A completed Application for Building Permit shall be referred to the Building Inspector for examination and recommendation. Thereafter, the matter shall be referred by the Building Inspector to the City Council for action, together with a recommendation from the Building Inspector as to whether the permit should be issued.

2. The City Council shall have the following options in considering an Application for a Building Permit:

- a. Approval of the application.
- b. Approval of the application, conditional upon satisfactory fulfillment of specified additional requirements such as plan approval by the Department of Safety and Professional Services or similar required actions.
- c. Denial of the application

(d) Time Periods and Limitations Relating to Building Permits. The following time periods shall apply to all building permits:

1. An applicant for a building permit which has been unconditionally approved by the City Council shall, within one hundred and twenty (120) days after such approval, appear at the office of the City Clerk, request issuance of and take delivery of the building permit. In the event of failure by the applicant to appear and take such delivery within said 120 days, the building permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable.

2. An applicant for a building permit which has been conditionally approved by the City Council shall, within one hundred and twenty (120) days after such approval, submit satisfactory evidence to the Building Inspector that all conditions of the approval have been fulfilled, and shall in addition appear at the office of the City Clerk, request issuance of and take delivery of the building permit. In the event of failure by the applicant to satisfy all conditions of the approval and

appear and take such delivery within said 120 days, the building permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable.

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

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

#### **475.05 (6) REZONINGS AND AMENDMENTS TO THIS CHAPTER.**

(a) Joint Extraterritorial Zoning Committee. The Joint Extraterritorial Zoning Committee, alternatively referred to as the Joint Committee, shall consist of 3 citizen members of the City of Richland Center Planning Commission and 3 town members from the Town of Richland. The 3 town members shall be appointed by the town board of the Town of Richland for 3 year terms, and shall be residents of the town and persons of recognized experience and qualifications. Town board members are eligible to serve.

The entire Planning Commission of the City of Richland Center shall participate in the preparation and consideration of any application for change of an extraterritorial zoning district boundary (rezoning) or amendment to this Chapter. However, only the members of the Joint Extraterritorial Zoning Committee shall vote on such matters. A majority vote of the 6 members of the Joint Extraterritorial Zoning Committee in favor of any application for change of a zoning district boundary (rezoning) or amendment to this Chapter shall be required before the City Council can adopt any such change. Such vote shall be deemed action taken by the entire Planning Commission.

(b) Initiation of Rezoning or Amendments to this Chapter. The Planning Commission, Joint Extraterritorial Zoning Committee, City Council or the titleholder to a property sought to be rezoned may initiate a rezoning. The Planning Commission, Joint Extraterritorial Zoning Committee or the City Council may initiate any other amendment to this Chapter.

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

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

(e) In the event that additional data has been requested pursuant to (c) and the applicant has failed to submit such data, the Joint Committee may simply recommend denial of the application upon grounds of failure to submit the requested data, without proceeding to hold the hearing.

(f) The Joint Committee shall hold a public hearing within forty-five (45) days after the receipt of application. The City Clerk shall give not less than ten (10) days nor more than thirty (30) days notice of the time and place of such hearing by publication of a class 2 notice under chap. 985, Wis. Stats. in the official City newspaper, both of which publications shall be made during the thirty (30) days prior to the hearing. In addition, a copy of such notice shall be mailed to the Clerk of the town for which such rezoning or amendments are proposed. Such notice shall contain a description of the land and the proposed change in zoning or of the proposed amendments to this Chapter. If the Joint Committee fails to hold such a hearing and make a report within sixty (60) days after receipt of the application, then the City Council may itself hold the public hearing within (30) days after the expiration of the said sixty (60) day period. Failure to receive a report from the Joint Committee as herein provided shall not invalidate the proceedings or actions of the City Council.

(g) At least ten (10) days before the hearing the Clerk shall mail an identical notice to the applicant and to each of the property owners within two hundred (200) feet of the outside boundaries of any land proposed to be rezoned. Failure to mail the notice, provided it is unintentional, or failure of the property owners to receive the notice shall not invalidate the proceedings. The applicant shall be given the right to be heard at the hearing, and to be represented by attorney at his/her expense of he/she so desires. Representatives of the town board

of the town affected by the proposed rezoning or amendment and any person residing in such town shall also be given the right to be heard at the hearing. All such hearings may be held by the Joint Committee at a meeting of the City Council, or may be held separately with the report of the Joint Committee's findings subsequently transmitted to the City Council. If the hearing is held by the Joint Committee at a meeting of the City Council, the City Council may take final action upon the application immediately after the hearing, or it may postpone final action for further investigation or hearings. The City Council may also request further information and report from the Joint Committee, the Planning Commission, the Zoning Administrator or the applicant.

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

(i) Where the proposed rezoning or amendment originates with the Joint Committee, the Joint Committee may initiate the procedure by noticing the public hearing, holding the hearing and transmitting its report and recommendation directly to the City Council.

(j) The City Council may propose a rezoning on its own motion, in which case the matter shall be transmitted to the Joint Committee for hearing, its report and recommendation, which shall then be transmitted back to the City Council for action.

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

(l) The Board of Zoning Appeals shall not have the power to rezone any property.

(m) **Rezoning of land out of a farmland preservation zoning district.** A political subdivision (the City) with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if the political subdivision finds all of the following, after a public hearing:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with any applicable comprehensive plan.
3. The rezoning is substantially consistent with the county certified farmland

preservation plan.

4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(n) The City shall by March 1 of each year provide to the Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (m) during the previous year and a map that clearly shows the location of those acres. [sec. 91.48 (1)(a thru d)]

#### **475.05 (7) CONDITIONAL USE PERMITS.**

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

(a) Persons applying for a conditional use permit shall fill out completely and file with the City Clerk an Application for Conditional Use Permit form, which form shall be furnished by the City. Such Property Owner shall pay over to the City Clerk the prescribed fee for the requested permit.

(b) The Clerk shall refer the application to the Plan Commission and the ETZ Board. The Plan Commission and ETZ Board shall consider the petition at its next regular meeting. The Plan Commission and the Extraterritorial Zone Board are intended to meet jointly on any application for conditional use permits in the extraterritorial zone and will vote as one body for recommendation to the City Council. The Plan Commission and the ETZ Board may request from the applicant any additional data which it deems necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a valid demand for any such data. Alternatively, the Plan Commission and the ETZ Board may make such request verbally to the applicant at any meeting where the applicant is present, which also constitutes a valid request. The Zoning Administrator may request that the matter be put over to the next meeting to allow further Investigation if the application was filed within ten (10) days prior to the next regular meeting of the Plan Commission and the ETZ Board, and such a request shall be granted by the Plan Commission and the ETZ Board. **[Amended by Ord 2005-08]**

(c) The report of the Plan Commission and the ETZ Board shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission and the ETZ Board, but no more than ninety (90) days after the application has been submitted by the applicant. **[Amended by Ord 2005-08]**

(d) The City Council shall take action on the application within sixty (60) days after receiving the report of the Plan Commission and the ETZ Board. The Council may deny or defer indefinitely consideration of any application when the applicant has been duly requested by the Plan Commission and the ETZ Board or by the Council to furnish additional data. **[Amended by**

**Ord 2005-08]**

(e) In granting a conditional use permit, the City Council may impose such conditions or limitations as it considers necessary to protect the public health, safety and welfare, and any such conditions or limitations may include a time limit for the conditional use to exist or for the operation or activity permitted by the permit to be carried on.

(f) A conditional use permit shall become void one (1) year after it was granted unless within the year the permitted use is actually commenced, or within such extension of the period as the City Council within the year may provide.

(g) A conditional use permit, when issued, is personal to the permittee, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a conditional use permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued conditional use permit affecting the lot.

(h) A conditional use permit may, at the time of its issuance, contain a limitation to a stated period of time, and upon the expiration of such period the permit shall be void and the formerly permitted activity must then forthwith cease.

**475.05 (8) VARIANCES.**

(a) In specific cases the Board of Zoning Appeals may grant a variance from the terms of this Chapter which is not contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship (but not a hardship that is self-imposed by the landowner), so that the spirit of the Chapter shall be observed, public safety and welfare secured and substantial justice done. The hardship or difficulty must have to do with the characteristics of the land and not of the property owners. A variance may be granted as part of a determination of an appeal of an adverse decision of the Zoning Administrator or City Council, or upon direct application therefor. A direct application for a variance shall be deemed substantially equivalent to an appeal of an adverse decision.

(b) A variance may be granted only by the Board of Appeals, and then only where the literal application of the subchapter would create a particular hardship for the land owner and where all of the following criteria are met:

1. A literal application of this subchapter would not allow the property to be used at its highest and best use as zoned.
2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

3. Hardship caused the land owner under a literal interpretation of the subchapter is due to conditions unique to that property and does not apply generally to the City Extraterritorial Zone.
4. The hardship does not result from the act of the land owner.
5. The granting of the variance would not be contrary to the interest of members of the general public.
6. The granting of the variance would not be contrary to the general objectives of this Chapter.

(c) Where an application discloses on its face that a variance will be required in order to grant the application, the City Council shall automatically deny the application and refer the matter to the Board of Appeals for consideration of the variance. In granting variances, the Board of Appeals may attach additional conditions or requirements necessary to carry out the spirit and purpose of this subchapter in the public interest.

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

(e) A completed application shall be referred by the Clerk to the Board of Zoning Appeals.

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

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

(h) The concurring vote of four (4) members of the Board of Zoning Appeals shall be

necessary to grant any variance under this Chapter.

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

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

#### **475.05 (9) FEES.**

(a) Fees to be paid for each application are as follows:

1. Appeal of an adverse decision to the Zoning Board of Appeals: \$50.00
2. Direct application for variance: \$50.00
3. Application for rezoning: \$50.00
4. Application for conditional use permit: \$15.00.

(b) Fees shall be payable at the time applications are filed with the City Clerk and are not refundable unless the application is withdrawn prior to referral to the Planning Commission/Joint Committee. An application not accompanied by the appropriate fee shall not be deemed filed, and need not be considered until the fee has been paid. There shall be no fee in the case of any application filed by the City Council or by the Planning Commission. The City Council may modify the amount of any fee from time to time by resolution, and fees set by any such resolution shall have the effect of superseding the amount of any fee set forth herein.

#### **475.05 (10) ENFORCEMENT AND PENALTIES.**

(a) This Chapter shall be administered by the Zoning Administrator and the Planning Commission/Joint Extraterritorial Zoning Committee, and shall be enforced by the Common Council acting through the City Attorney.

(b) **Forfeiture.** Any person, partnership, corporation, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, together with the costs of prosecution and any applicable penalty assessments, and in the event such forfeiture, costs and assessment are not paid, such person, any partner of such partnership, or any officer or director of any corporation 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 ninety (90) days. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.



(c) **Other Remedies.** In the event of a violation of this Chapter, or a threat of violation of this Chapter or a good faith belief that a violation of this Chapter is contemplated or is about to occur, the Common Council may direct the City Attorney or any special City Attorney to institute on behalf of the City any appropriate suit or to take any other appropriate legal action to prevent, enjoin, restrain, require abatement, enjoin occupancy or otherwise deal with the violator and/or violation. The taking of such action by or on behalf of the City shall not be deemed to constitute a waiver of or to be in lieu of the forfeiture as set forth hereabove.

#### **475.05 (11) CERTIFICATE OF OCCUPANCY.**

(a) **Application.** No structure hereafter erected or moved, nor that portion of an existing structure hereafter erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the structure complies with all of the provisions of this Chapter. No parcel of land unoccupied by a building or structure shall be utilized for a use until a certificate of occupancy has been issued by the Zoning Administrator stating that the proposed use of the land complies with all of the provisions of this Chapter.

(b) **Request for Certificate.** Said certificate shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the Zoning Administrator shall have found the building or structure satisfactory. Said application for the certificate shall be accompanied by any fee set by the Common Council to defray the cost of processing.

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

#### **475.06 ZONING DISTRICTS.**

**475.06 (1) DESIGNATION OF DISTRICTS.** For purposes of this Chapter six (6) zoning districts are created within the extraterritorial area. These districts shall carry the titles as follows:

- (a) "E-A" Exclusive Agricultural District
- (b) "A-R" Agricultural/Residential District
- (c) "C" Commercial District
- (d) "I-P" Industrial Park District
- (e) "I" General Industrial District
- (f) "FP" Flood Plain District

**475.06 (2) DISTRICT BOUNDARIES.** The boundaries of the several zoning districts are hereby established as follows:

(a) All lands subject to this Chapter which are not within the "E-A" Exclusive Agricultural District, the "C" Commercial District, the "I-P" Industrial Park District or the "I" Industrial District shall be deemed to constitute the "A-R" Agricultural-Residential District.

(b) District boundary lines shall, wherever feasible, follow the centerlines of public highways, streets or alleys; the projected or extended centerlines of public streets or alleys; section lines, quarter-section lines or forty lines; the center of watercourses; corporate limit lines or lot lines, all as they exist upon the effective date of this Chapter.

(c) The Extraterritorial Zoning Map dated September 19, 1989, is adopted as the official map showing the location and the boundaries of all lands in the several zoning districts of the extraterritorial zone.

(d) Said map and all notations, references and other information shown thereon shall have the same force and effect as if fully set down herein and are hereby made a part of this Chapter by reference and incorporated herein as fully as if set forth herein at length.

(e) Appeals from the decisions of the Zoning Administrator and all determinations and questions of doubt concerning the exact location of district boundary lines shall be heard by the Board of Zoning Appeals.

### **475.07 "E-A" EXCLUSIVE AGRICULTURAL DISTRICT.**

This district is intended to encompass prime agricultural lands, limited to exclusive agricultural uses and further intended to qualify lands therein for the maximum credit under the Wisconsin Farmland Preservation Program as set forth in Chap. 91, Wis. Stats.

**475.07 (1) PERMITTED PRINCIPAL USES IN "E-A" DISTRICTS.** Within any "E-A" District, the following are permitted principal uses:

(a) Farm homes occupied by persons who, or a family at least one member of which earns a substantial part of his or her income from farm operations on the parcel or is a parent or child of the operator of the farm. Residences existing on the effective date of this Chapter which do not conform to this paragraph may nevertheless be continued in residential use.

(b) Customary accessory farm buildings such as structures designed and utilized for the sheltering of livestock and structures designed and utilized for the storage of products and machinery pertaining and necessary to farming operations on the farmstead, but not including an

animal waste storage facility.

(c) Agricultural Uses, which are defined as: Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
- 4m. Floriculture.
5. Aquaculture.
6. Fur farming.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
9. Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.  
[sec. 91.01(2) Wis. Stats.]

(d) Woodlots, tree farms and other soil and water conservation practices.

(e) Not more than one (1) roadside stand for the sale of farm products produced on the premises, provided that off-highway parking is available to customers of such stand and further provided that such stand conforms to setback, sign and other provisions of this Chapter.

(f) A transportation, utility, communications or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.  
[sec. 91.44 (1) (f) Wis. Stats.]

**475.07 (2) PERMITTED ACCESSORY USES IN "E-A" DISTRICTS.** Within any "E-A" District the following uses shall be permitted accessory uses:

- (a) Private garages, parking spaces, and carports for passenger cars.
- (b) Decorative landscaping features.
- (c) Private swimming pools and tennis courts.
- (d) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time normally necessary for completion of such construction or similar construction.

**475.07 (3) CONDITIONAL USES IN "E-A" DISTRICTS.** The following uses are conditional uses within an "E-A" District and shall require a Conditional Use Permit. No such Conditional Use Permit shall be granted or issued unless first the granting or issuing authority

specifically finds that such use does not conflict with agricultural use and also is found to be necessary in light of the alternative locations available for such use:

(a) Nonmetallic mineral extraction provided that the operation meets all of the requirements of sub. 91.46 (6) of the Wisconsin Statutes.

(b) Animal waste storage facility.

(c) Municipal airports, provided such facility is approved by the Wisconsin Division of Aeronautics and the facility meets all of the requirements of sub. 91.46 (4) of the Wisconsin Statutes.

(d) Churches, including those related structures located on the same site which are an integral part of the church proper, including parsonages, rectories, convents or homes for persons performing a religious function, on the same site, provided the facilities meet all of the requirements of sub. 91.46 (5) of the Wisconsin Statutes and provided no building shall be located within fifty (50) feet of any lot line of an abutting lot which lies in an "R" District.

(e) Governmental buildings and structures, including public schools provided the facilities meet all of the requirements of sub. 91.46 (5) of the Wisconsin Statutes.

(f) Private or parochial schools which teach a curriculum similar to public schools provided the facilities meet all of the requirements sub. 91.46 (5) of the Wisconsin Statutes.

(g) Transportation, communications, pipeline, electric transmission, utility or drainage uses not qualifying under sec. 91.44 (1)(a) of the Wisconsin Statutes and which meet the requirements of sub. 91.46 (4) of the Wisconsin Statutes and shall be on a landscaped site, with all buildings and structures conforming to the provisions of this Chapter as to yards. This provision includes mobile service facilities and mobile service support structures

(h) [Omitted]

(i) [Omitted]

(j) [Omitted]

(k) Where the separation is incidental to a bona-fide farm consolidation, a farm residence or other structure which existed prior to November 1, 1988, with up to 5 acres of land, may be separated from a larger farm parcel. ATCP 49.22 (1)

(l) Migrant worker housing provided it meets the definition of farm residence under sec. ATCP 49.22 (1) Wis. Stats. **[Added by Ord 1996-1]**

**475.07 (4) LOT AREA, STRUCTURE HEIGHTS, LOT WIDTH AND YARD REQUIREMENTS IN "E-A" DISTRICTS.**

(a) No structure shall exceed one hundred (100) feet in height, except as otherwise regulated by this Chapter.

(b) The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications set forth in other sections of this Chapter:

1. Minimum lot area: 35 acres.
2. Minimum lot width: 325 feet.
3. Front yard abutting a thoroughfare: as required by sec. 475.04 (9)
4. Other front yard: 35 feet.
5. Side yards: 15 feet.
6. Rear yards: 30 feet.
7. Where a conditional use permit is issued pursuant to sub. 475.07 (3) (k) for a separation of a residence or other structure incidental to a bona-fide farm consolidation, the minimum 35 acre lot size set forth at 1. above shall be waived as to the parcel for which such conditional use permit is issued. [Sec. 91.75(6) Wis. Stats.]

**475.07 "A-R" AGRICULTURAL-RESIDENTIAL DISTRICT.**

This district is intended to encompass generally agricultural and also marginal agricultural lands which are reasonably susceptible to transition, in whole or in part, to residential usage, due to land quality, parcel size and/or location.

**475.07 (1) PERMITTED PRINCIPAL USES IN "A-R" DISTRICTS.** Within any "A-R" District, no structure or land shall be used except for one or more of the following uses:

(a) Farm homes of a single farmstead such as dwellings occupied by farm owners, farm operators or full-time farm employees, lying on or adjacent to a bona-fide working farm owned by the same person who owns such dwelling, and further provided that such farmstead does not require more than a single access to a Class A, B or C highway.

(b) Customary accessory farm buildings such as structures designed and utilized for the sheltering of livestock and structures designed and utilized for the storage of products and machinery pertaining and necessary to farming operations, but not including an animal waste storage facility. [NOTE: An accessory building in an "R" district which exceeds 3,000 square feet in floor area requires a conditional use permit per sec. 475.04 (5)(c)]

(c) Farming operations such as animal husbandry and cropping, but not including high density farming operations and not including the establishment or use of any animal waste storage facility.

(d) Woodlots, tree farms and other soil and water conservation practices.

(e) Not more than one (1) roadside stand for the sale of farm products produced on the premises, provided that off-highway parking is available to customers of such stand and further provided that such stand conforms to setback, sign and other provisions of this Chapter.

(f) Single family detached dwellings, not including mobilhomes.

(g) Two family and multiple family residences.

(h) Public parks and playgrounds.

(i) Commercial greenhouses and nurseries.

(j) Family day care homes.

**475.07 (2) PERMITTED ACCESSORY USES IN "A-R" DISTRICTS.** Within an "A-R" District the following uses shall be permitted accessory uses:

(a) Private garages, parking spaces and carports for passenger cars.

(b) Decorative landscaping features.

(c) On-premises signs, as regulated by this Chapter and by any other ordinance or chapter dealing with the regulation of signs.

(d) Private swimming pools, tennis courts or similar recreational facilities 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.

**475.07 (3) CONDITIONAL USES IN "A-R" DISTRICTS.** Within any "A-R" District no structure or land shall be used for the following uses except by Conditional Use Permit:

(a) Accessory structures other than private garages.

(b) Agricultural-oriented processing plants, such as creameries, milk condenseries, pea

vineries, and cheese factories.

(c) Airports, provided such facility is approved by the Wisconsin Division of Aeronautics.

(d) Cemeteries.

(e) Churches, including those related structures located on the same site which are an integral part of the church proper, including parsonages, rectories, convents or homes for persons performing a religious function on the same site, provided no building shall be located within fifty (50) feet of any lot line of an abutting lot which lies in an "R" District.

(f) 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 & Human Services.

(g) Essential service structures, which shall be on a landscaped site, with all buildings and structures conforming to the provisions of this Chapter as to yards. The buildings shall have the architectural style of the neighborhood.

(h) Fur farms.

(i) Hospitals and clinics.

(j) Governmental buildings and structures, including public schools.

(k) Land reclamation and mining as regulated by this Chapter and by any other applicable ordinances.

(l) [Omitted]

(m) Private or parochial schools which teach a curriculum similar to public schools.

(m) Recreational vehicle (RV) Parks. **[Added by Ord 2003-16]**

(n) 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.

(o) Recreational uses or facilities designed therefore to serve more than one family,

including but not limited to: golf courses, country clubs, tennis courts, swimming pools, riding academies, archery ranges and rifle, trap or skeet shooting ranges.

(p) Tourist camps and campgrounds.

(q) Storage facilities that are substantially related to an agricultural business with no retail sales at the location. **[Added by Ord 2005-9]**

(r) Day care center having a maximum capacity of no more than 16 children **[Added by Ord 2011-2]**

(s) Mobile service facilities and mobile service support structures, subject to the limitations set forth in sec. 66.0404 Wisconsin Statutes. **[Added by Ord 2016-13]**

#### **475.07 (4) LOT AREA, STRUCTURE HEIGHTS, LOT WIDTH AND YARD REQUIREMENTS IN "A-R" DISTRICTS.**

(a) No dwelling shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less, except as otherwise regulated by this Chapter.

(b) The following minimum requirements shall be observed in A-R Districts, subject to additional requirements, exceptions and modifications set forth in other sections of this Chapter:

1. Single-family or two-family dwellings:

a. Minimum lot area: 1 acre (43,560 sq. ft.)

b. Minimum lot width: 90 feet or not less than 1/2 depth of lot, whichever is less.

c. Front yard of a lot abutting a thoroughfare: as required by sec. 475.04 (9)

e. Side yards: 15 feet.

f. Rear yards: 30 feet.

2. Three or more family dwellings:

a. Minimum lot area: 14,520 sq. ft. of lot area per dwelling unit, but not less than 1 acre (43,560 sq.ft.)

b. Minimum lot width: 150 feet.

c. Front yard of a lot abutting a thoroughfare: as required by sec. 475.04 (9)

d. Other front yards: 35 feet.

e. Side yards: 15 feet.

f. Rear yards: 30 feet.

3. All other uses:

a. Minimum lot area: 3 acres.

b. Minimum lot width: 325 feet.

c. Front yard abutting a thoroughfare: as required by sec. 475.04 (9)

d. Other front yard: 35 feet.



- e. Side yards: 15 feet.
- f. Rear yards: 30 feet.

## **475.08 "C" COMMERCIAL DISTRICT.**

**475.08 (1) PERMITTED PRINCIPAL USES IN "C" DISTRICTS.** Within any "C" Commercial District no structure or land shall be used except for one (1) or more of the following uses:

(a) The following residential uses:

1. Two family dwellings.
2. Multiple family dwellings.
3. 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 similar use for which a conditional use permit has been granted.
4. Condominiums in which the units are designed and used for residential purposes or for those commercial uses which are permitted uses in this district or a combination thereof.

(b) Municipal buildings of the City of Richland Center, Town of Richland 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.

(c) Universities, colleges and vocational schools.

(d) The following retail sales and service businesses:

1. Antique or gift shop.
2. Appliance store.
3. 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.
8. Barber shop and/or beauty parlor.
9. Bicycle sales and repair.
10. Book, office supply and/or stationery store.
11. Business offices, including professional practitioner's offices.
12. Candy, ice cream, popcorn, nuts, frozen dessert and/or soft drink shop but not of the drive-in type.

13. Camera and photographic supply and processing store.
14. Diaper or hand laundry service provided not more than ten (10) persons are employed.
15. Delicatessen and/or dairy store.
16. Department store.
17. Drug store.
18. Dry cleaning and laundry pickup stations including incidental pressing and repair.
19. Dry goods store.
20. Five and ten store.
21. Florist, but not including greenhouse or outside beds for growing flowers.
22. Furniture store.
23. Garden supply store, provided it is conducted entirely within an enclosed structure.
24. Gift or novelty store.
25. Grocery, fruit or vegetable store.
26. Hardware store.
27. Hobby store including handicraft classes not to exceed ten (10) students.
28. Interior decorating studio.
29. Jewelry sales and repair store.
30. Laundromat of the self-service type.
31. Library.
32. Liquor store, provided the same is licensed to deal in alcohol beverages by the Town of Richland or other municipality having jurisdiction to issue such licenses.
33. Locksmith.
34. Meat market but not including meat processing plant or locker plant.
35. Medical and dental clinics, for human care.
36. Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
37. Museums, art institutes, galleries, and playhouses.
38. Newspaper publishing office.
39. Office Building.
40. Optical and jewelry manufacturing provided the operation is not located within the front twenty (20) feet of the first floor.
41. Photographic supplies and processing of film and prints.
42. Picture framing.
43. Physical culture and health club or spa, dance studio or martial arts school.
44. Pipe and tobacco shop.
45. Post office or private parcel service.
46. Printing shop.

47. Professional offices.
48. Radio and television repair.
49. Record, tape, disk and/or music shop.
50. Restaurant, cafe or tea room, but not including a drive-in restaurant where customers are served in their vehicles.
51. Rugs and floor covering sales.
52. Seat cover, upholstery and/or drapery shop.
53. Shoe store and/or shoe repair establishment.
54. Small appliance repair shop.
55. Sporting goods store.
56. Supperclub, nightclub or restaurant which is licensed to serve alcohol beverages by the Town of Richland, but not including fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, their meeting halls or clubhouses.
57. Variety store.
58. Wearing apparel store or shop and similar uses.
59. Wholesale office and showroom.
60. Farming operations such as domestic animal husbandry and cropping, provided the lot or lots upon which such operations are carried on have never previously been put to any commercial use, but not including intensive farming operations and not including the establishment or use of any animal waste storage facility.
61. Funeral home. **[Added by Ord 2010-06]**

**475.08 (2) PERMITTED ACCESSORY USES IN A "C" COMMERCIAL DISTRICT.** No accessory structure or use of land shall be permitted in a "C" District except for one or more of the following:

- (a) Private garages, off-street parking and loading spaces as regulated by the provisions of this Ordinance.
- (b) Decorative landscape features.
- (c) Public telephone booths.
- (c) On-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (d) 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.
- (e) 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.

**475.08 (3) CONDITIONAL USES IN A "C" COMMERCIAL DISTRICT.** Within any "C" Commercial 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, including motor fuel station convenience stores, subject to all other regulations of this Chapter.
22. Open sales lot or open storage.
23. 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.
24. Skating rink.
25. Sports arena.
26. Stadium.
27. Stone or monument dealership.
28. Television and radio stations and/or transmitting towers.
29. 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.
30. Accessory structures other than accessory structures specifically permitted in this

district.

31. 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.

32. Crematory, provided the facility is designed, built and operated in conformity with all applicable state codes. **[Added by Ord 2011-1]**

33. Mobile service facilities and mobile service support structures, subject to the limitations set forth in sec. 66.0404 Wisconsin Statutes. **[Added by Ord 2016-13]**

**475.08 (4) LOT AREA, HEIGHT, LOT WIDTH, AND YARD REQUIREMENTS WITHIN "C" DISTRICTS.** The following minimum requirements shall be followed in all "C" Districts:

(a) No structure shall exceed three (3) stories nor more than forty-five (45) feet in height, whichever is higher, except as otherwise permitted by this Chapter.

(b) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth in this Chapter:

1. Minimum lot area: 3/4 of an acre (32,670 sq. ft.).
2. Minimum lot width: 100 feet.
3. Minimum front yard: 35 feet.
4. Minimum interior side yard: 20 feet, except when abutting a residential use or a public use such as a park, school or government building, 60 feet.
5. Minimum corner side yard: 40 feet.
6. Minimum rear yard: 40 feet.
7. Front yard abutting a thoroughfare: As required by Section 475.04 (9).

## **475.09 "I-P" INDUSTRIAL PARK DISTRICT.**

**475.09 (1) PERMITTED USES IN "I-P" DISTRICTS.** Within any "I-P" District, no structure or land shall be used except for one or more of the following uses:

(a) Any non-residential use which is either a permitted use or a conditional use in a "C" District, except off-premises sign or billboard and also except any such use which is a conditional use in an "I-P" this district.

(b) Conducting a process, fabrication, storage, manufacturing or wholesaling operation or providing a service including any of the following uses, provided such uses shall in all cases meet and conform to the performance standards applicable to an "I" District and further provided that the use is not one for which a Conditional Use Permit is hereinafter specified:

1. Assembly of goods from parts fabricated at another location, whether assembly is of final products or of sub-systems or intermediate products.
2. Fabrication from wood, metal, plastics, cloth or other raw materials of parts or of finished products.
3. Essential service structures.
4. Ice, cold storage plants, bottling works.
5. Kilns or other heat processes fired by natural gas, electricity or solar energy.
6. Laundries.
7. Machine shops.
8. Offices not operated in conjunction with a permitted use conducted on the same lot.
9. Open storage of raw materials to be utilized in a process which is a permitted use in an "I-P" District.
10. Paper products processing from paper previously manufactured at another location.
11. Printing and/or publishing.
12. Radio and television broadcasting.
13. Radio or television transmission towers.
14. Research laboratories.
15. Truck and freight terminals.
16. Warehousing and wholesaling, but not including retail sales to the general public.
17. Farming operations such as domestic animal husbandry and cropping, provided the lot or lots upon which such operations are carried on have never previously been put to any commercial or industrial use, but not including intensive farming operations and not including the establishment or use of any animal waste storage facility.

**475.09 (2) PERMITTED ACCESSORY USES IN AN "I-P" DISTRICT.** Within any "I-P" District the following uses shall be permitted accessory uses:

- (a) On-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (b) Off-street parking and loading as regulated by this Chapter.
- (c) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use.
- (d) Guest houses owned and operated in conjunction with a permitted principal use.
- (e) Offices operated in conjunction with a permitted principal use operated on the same lot.

**475.09 (3) PERFORMANCE STANDARDS APPLICABLE TO AN "I-P" DISTRICT.**

Any use permitted in an "I-P" District shall be in conformity with all applicable performance standards outlined in Section 475.04 (27) of this Chapter. Applicants for building permits in an "I-P" District shall submit such evidence as may be required by the Building Inspector to determine and/or assure compliance with such performance standards. Should the Building Inspector have any doubt as to the ability of any proposed use to meet the required performance standards, the matter shall be referred to the Plan Commission who shall make a recommendation to the Council who shall grant or deny the application.

**475.09 (4) CONDITIONAL USES IN AN "I-P" DISTRICT.** Within an "I-P" District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

1. Automobile painting, upholstery, tire recapping and major repair when conducted within a completely enclosed building.
2. Bus terminal and/or bus maintenance garage.
3. Creamery, cheesemaking or other processing of dairy products.
4. Mobile service facilities and mobile service support structures, subject to the limitations set forth in sec. 66.0404 Wisconsin Statutes. **[Added by Ord 2016-13]**

**475.09 (5) LOT AREA, BUILDING HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN "I-P" DISTRICTS.**

The following minimum requirements shall be followed in all "I-P" Districts:

(a) Height: No structure shall exceed sixty (60) feet in height.

(b) The following minimum requirements shall be observed, subject to any more restrictive requirements, exceptions and modifications as set forth elsewhere in this Chapter:

1. Minimum lot area: 1 acre
2. Minimum lot width: 150 feet
3. Minimum front yard setback from lot line: 35 feet
4. Minimum side yard setback from lot line: 20 feet, except when abutting a residential use, 60 feet
5. Minimum rear yard: 40 feet

(c) The maximum coverage of any lot by buildings shall not exceed seventy-five percent (75%) of the total area of the lot.

## **475.10 "I" GENERAL INDUSTRIAL DISTRICT.**

**475.10 (1) PERMITTED USES IN "I" DISTRICTS.** Within any "I" District, no structure or land shall be used except for one or more of the following uses:

(a) Any non-residential use which is either a permitted use or a conditional use in a "C" District, except off-premises sign or billboard and also except any such use which is a conditional use in this district.

(b) Conducting a process, fabrication, storage, manufacturing or wholesaling operation or providing a service including any of the following uses, provided such uses shall in all cases meet and conform to the performance standards applicable to an "I" District and further provided that the use is not one for which a Conditional Use Permit is hereinafter specified:

1. Assembly of goods from parts fabricated at another location, whether assembly is of final products or of sub-systems or intermediate products.
2. Fabrication from wood, metal, plastics or other raw materials of parts or of finished products.
3. Automobile painting, upholstering, tire recapping and major repair when conducted within a completely enclosed building.
4. Bus terminal and/or bus maintenance garage.
5. Contractor's storage yard.
6. Creamery, cheesemaking or other processing of dairy products.
7. Essential service structures.
8. Ice, cold storage plants, bottling works.
9. Kilns or other heat processes fired by natural gas, electricity or solar energy.
10. Laundries.
11. Machine shops.
12. Offices not operated in conjunction with a permitted use conducted on the same lot.
13. Open sales lots.
14. Open storage.
15. Paint mixing.
16. Paper products processing from paper previously manufactured at another location.
17. Printing and/or publishing.
18. Radio and television broadcasting.
19. Radio or television transmission tower
20. Research laboratories.
21. Trade school.
22. Truck and freight terminals.



23. Warehousing and wholesaling.
24. Farming operations such as domestic animal husbandry and cropping, provided the lot or lots upon which such operations are carried on have never previously been put to any commercial or industrial use, but not including intensive farming operations and not including the establishment or use of any animal waste storage facility.

**475.10 (2) PERMITTED ACCESSORY USES IN AN "I" DISTRICT.** Within any "I-1" District the following uses shall be permitted accessory uses:

- (a) On-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (b) Off-street parking and loading as regulated by this Chapter.
- (c) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use.
- (d) Guest houses owned and operated in conjunction with a permitted principal use.
- (e) Offices operated in conjunction with a permitted principal use operated on the same lot.

**475.10 (3) PERFORMANCE STANDARDS APPLICABLE TO AN "I" DISTRICT.**

Any use permitted in an "I" District shall be in conformity with all applicable performance standards outlined in Section 475.04 (27) of this Chapter. Applicants for building permits in an "I" District shall submit such evidence as may be required by the Building Inspector to determine and/or assure compliance with such performance standards. Should the Building Inspector have any doubt as to the ability of any proposed use to meet the required performance standards, the matter shall be referred to the Plan Commission who shall make a recommendation to the Council who shall grant or deny the application.

**475.10 (4) CONDITIONAL USES IN AN "I" DISTRICT.** Within an "I" District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

- (a) Off-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (b) Acid and/or storage battery manufacturing.
- (c) Auto wrecking, junk yard, used auto parts stored in the open and similar uses.
- (d) Brewing.
- (e) Brick manufacturing.

- (f) Cement and/or concrete mixing or manufacturing.
- (g) Ceramic product manufacturing.
- (h) Coal or tar asphalt distillation.
- (i) Commercial stockyards, slaughtering of animals and/or meat packing.
- (j) Creosote plant.
- (k) Crude oil, gasoline, or other liquid storage tanks.
- (l) Distillation of bones.
- (m) Explosives: 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.
- (n) Flour, feed and/or grain milling.
- (o) Glass manufacturing.
- (p) Glue, gypsum and/or plaster manufacturing.
- (q) Incineration or reduction of waste material other than customarily incidental to principal use.
- (r) Kilns or other heat processes fired by combustion or by any means other than natural gas, electricity or solar energy.
- (s) Lime manufacturing.
- (t) Manufacture and/or compounding of poison, fertilizer, fuel briquettes.
- (u) Metal casting, converting, polishing and/or plating.
- (v) Mill working.
- (w) Motor fuel stations and motor fuel station convenience stores, subject to all other requirements of this Chapter.
- (x) Paper mill.
- (y) Paint and/or pigment manufacturing.
- (z) Plastic manufacturing, molding or processing.
- (aa) Refuse and garbage disposal.
- (bb) Rendering works.
- (cc) Rubber and rubber product manufacturing.
- (dd) Sawmill.
- (ee) Stone cutting.
- (ff) Textile manufacturing and/or dyeing.
- (gg) Vinegar works.
- (hh) Any use abutting or across the street from any lot not included in an "I" District,

- unless such use is a permitted use in the zoning District of such abutting lot.
- (ii) Any activity which emits smoke darker than shade No. 3 on the Ringelmann Chart.
  - (jj) Any use which utilizes any radioactive materials.
  - (kk) Any other use which is not a permitted or specified conditional use in an "I" District.
  - (ll) Mobile service facilities and mobile service support structures, subject to the limitations set forth in sec. 66.0404 Wisconsin Statutes. **[Added by Ord 2016-13]**

**475.10 (5) LOT AREA, BUILDING HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN "I" DISTRICTS.** The following minimum requirements shall be followed in all "I" Districts:

- (a) Height: No structure shall exceed sixty (60) feet in height.
- (b) The following minimum requirements shall be observed, subject to any more restrictive requirements, exceptions and modifications as set forth elsewhere in this Chapter:
  - 1. Minimum lot area: 1 acre
  - 2. Minimum lot width: 150 feet
  - 3. Minimum front yard setback from lot line: 35 feet
  - 4. Minimum side yard setback from lot line: 20 feet, except when abutting a residential use: 60 feet
  - 5. Minimum rear yard: 40 feet
- (c) The maximum coverage of any lot by buildings shall not exceed seventy percent (70%) of the total area of the lot.

## **475.11 REGULATION OF SIGNS.**

### **475.11 (1) PURPOSE AND SCOPE OF THIS SUBCHAPTER.**

(a) Purpose. The purpose of this subchapter shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance of existing signs; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning districts. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a primary or accessory use except in

accordance with the provisions of this subchapter.

(b) Scope.

1. Non-Regulated Matters. This subchapter shall not relate to building design, nor shall the subchapter regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined as a sign.

2. Regulated Matters. The primary intent of this subchapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.

**475.11 (2) DEFINITIONS APPLICABLE TO THIS SUBCHAPTER.**

All definitions contained in subchapter 485 of the Code of Ordinances of the City of Richland Center are incorporated herein by reference, as if set forth at length herein.

**475.11 (3) GENERAL PROVISIONS RELATING TO SIGNS.**

(a) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Richland Center extraterritorial zone except in accordance with the provisions of this subchapter.

(b) Signs Prohibited. The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Banners, pennants, festoons, searchlights (except as allowed in Sec. 485.04 (1)).
3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, utility poles, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (This does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(c) Permits Required. Unless otherwise provided by this subchapter, all signs shall require permits and payment of fees as described in Section 485.07 of this subchapter. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(d) Signs Not Requiring Permits. The following types of signs are exempted from

permit requirements but must be in conformity with all other requirements of this subchapter:

1. Signs used by churches, synagogues, or civic organizations.
2. Construction signs of 300 square feet or less.
3. Directional/Information signs of 32 square feet or less.
4. Holiday or special events decorations.
5. Nameplates of 16 square feet or less.
6. Political signs.
7. Public signs or notices, or any sign relating to an emergency.
8. Real estate signs.
9. Window signs.
10. Incidental signs.

(e) Maintenance of Signs. All signs shall be property maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Administrator shall have the right under sec. 485.07(9) to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(f) Lighting of Signs. Unless otherwise specified by this subchapter, all signs may be illuminated. However, no sign regulated by this subchapter may utilize:

1. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion which shields the bulb of all such lamps from view to a height not less than six feet (6') above ground level.
2. Any exposed incandescent lamp in excess of 100 watts unless a screen is attached or unless the sign and all such lighting is placed in excess of twelve (12) feet above the ground.
3. Any revolving beacon light.

(g) Changeable Copy. Unless otherwise specified by this subchapter, any sign herein allowed may use manual or automatic changeable copy.

(h) Setback of Signs From Streets. No sign and no supporting structure of any sign in any zoning district shall extend within eighteen inches (18") of a vertical line drawn from the edge of any street or street curb adjacent to such sign. In addition, no sign shall be erected or maintained within any area of setback or open sideyard required by subchapter 479, Zoning Ordinance for the City of Richland Center.

(i) Clearance of Signs Above Sidewalks. No sign and no supporting structure of any sign in any zoning district shall extend over any sidewalk within seven and one-half feet (7.5') above the level of such sidewalk.

(j) Clearance of Off-premises Signs Above Ground. No off-premises sign shall be erected or maintained which extends within seven and one-half feet (7.5') above ground level, except that the supporting posts of a sign may extend from the level of the ground to the face of the sign.

(k) Indemnification. All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such maintenance, installation, alteration, or relocation of signs in any case where this subchapter has not specifically directed the placement of such sign.

#### **475.11 (5) REGULATION OF ON-PREMISES SIGNS BY ZONING DISTRICTS.**

(a) Signs Permitted in All Zoning Districts. The following signs are allowed in all zoning districts:

1. Not more than three (3) construction signs for each street frontage of a construction project, none of which shall exceed sixty-four (64) square feet in sign area in residential zones or one hundred (100) square feet in sign area in any other zone. Such signs may be erected ninety (90) days prior to beginning of construction and shall be removed within thirty (30) days following completion of construction.

2. One (1) non-illuminated real estate sign per lot or premises, not to exceed twenty-five (25) square feet in sign area. Such signs must be removed thirty (30) days following sale, rental, or lease of the property on which the sign is erected, or within five (5) days after termination of a listing agreement between the property owner and the owner of the sign.

3. One (1) attached nameplate per occupancy, not to exceed one (1) square foot in sign area.

4. Five (5) political signs per lot, not to exceed one hundred (100) square feet in total sign area. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed within seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner or other person in lawful possession of the property.

5. Two (2) directional/information signs per lot, not to exceed twenty five (25) square feet in sign area or four (4) feet in height.

6. Three (3) temporary special events signs and decorations per premises as allowed by the Zoning Administrator for special events, grand openings, or holidays.

Such signs and decorations may be erected not earlier than thirty (30) days prior to a special event or holiday and shall be removed not later than seven (7) days following the event or holiday.

(b) Signs Permitted in "R-A" Zoning Districts. The following signs are permitted in all Residential zoning districts:

1. All signs permitted in paragraph (a).
2. One (1) nameplate sign for each dwelling unit, which signs shall not exceed three (3) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
3. One (1) nameplate sign for each dwelling group of three (3) or more units, which sign shall not exceed three (3) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
4. One (1) nameplate sign for each permitted use or use by conditional use permit other than residential, which sign shall not exceed twelve (12) square feet in area per surface.
5. Symbols, statues, sculptures and integrated architectural features on non-residential buildings may be illuminated by flood lights provided the direct source of light is not visible from the public right-of-way or adjacent residential district.

(c) Signs Permitted in "C" Commercial Zoning Districts. The following signs are permitted in all Commercial zoning districts:

1. All signs permitted in paragraphs (a) and (b).
2. Nameplate signs and on-premise signs subject to the following regulations:
  - a. The aggregate square footage of sign space per lot shall not exceed the sum of three (3) square feet for each front foot of building plus, in the case of a corner lot, one (1) square foot for each frontage foot of the side of the building which abuts the intersecting street.
  - b. No individual sign surface shall exceed two hundred and eighty-eight (288) square feet of area. **[Amended by Ord. No. 2010-6]**
3. Off-premises signs (billboards) shall be permitted in "C" districts only upon receipt of a conditional use permit therefor, issued in the manner and in accord with the procedures set forth in this Chapter, and subject to the following regulations:

a. A conditional use permit for an off-premises sign in a "C" district may only be issued for a location which abuts a Class "A" highway.

b. Such sign shall be subject to the setback requirements of par. 475.04 (10), except that the issuing authority may allow a lesser setback at the time of issuance of the conditional use permit. **[Amended by Ord. No. 2010-6]**

c. No individual sign surface shall exceed two hundred and eighty-eight (288) square feet of area. **[Amended by Ord. No. 2010-6]**

(d) Signs Permitted in "I" Industrial and "I-P" Industrial Park Zoning Districts. The following signs are permitted in all Industrial and Industrial Park zoning districts:

1. All signs as permitted in paragraphs (a), (b) and (c).

2. The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building plus (1) square foot per front foot of property not occupied by a building. No individual sign surface shall exceed two hundred and eighty-eight (288) square feet. **[Amended by Ord. No. 2010-6]**

3. Off-premises signs (billboards) shall be permitted in "I-P" and "I" districts only upon receipt of a conditional use permit therefor, issued in the manner and in accord with the procedures set forth in this Chapter. No individual sign surface shall exceed two hundred and eighty-eight (288) square feet. **[Amended by Ord. No. 2010-6]**

#### **475.11 (6) NONCONFORMING SIGNS.**

(a) Determination of Legal Nonconformity. Existing signs which do not conform to the specific provisions of the subchapter may be eligible for the designation "legal nonconforming" provided that:

1. The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.

2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this subchapter.

(b) Loss of Legal Nonconforming Status. A legal nonconforming sign may lose this status if:

1. The sign is relocated or replaced.

2. The structure or size of the sign is altered in any way except towards compliance



with this subchapter. This provision shall not be deemed to refer to change of copy or normal maintenance.

(c) Maintenance and Repair of Nonconforming Signs. A legal nonconforming sign is subject to all requirements of this subchapter regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformity with this subchapter or removed.

#### **475.11 (7) CONSTRUCTION SPECIFICATIONS.**

(a) Compliance with Building and Electrical Codes. All signs shall be constructed and erected in conformity with all applicable requirements of the Building Code of the State of Wisconsin and also of the Electrical Code of the State of Wisconsin.

(b) Compliance with the Laws of Wisconsin Regarding Highways. All signs shall be constructed and erected in conformity with the applicable regulations of the Wisconsin Department of Transportation as set forth in sec. 84.30 Wisconsin Statutes, chap. TRANS 201 Wisconsin Administrative Code, or elsewhere.

(c) Anchoring.

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.

2. All portable signs on display shall be braced or secured to prevent motion.

(d) Wind Loads.

1. On-premises solid signs, other than wall signs, shall be designed to withstand a wind load of twenty-five (25) pounds per square foot on any face, up to a sign height of fifty (50) feet, plus five (5) pounds per square foot for each additional fifty (50) feet or less of sign height.

2. On-premises skeleton signs, other than wall signs, shall be designed to withstand a wind load of twenty-five (25) pounds per square foot of the total face area of the letters and other sign surfaces, or twenty-five (25) pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

3. All off-premises signs shall be designed to withstand a wind load of thirty (30) pounds per square foot on any face, up to a sign height of fifty (50) feet, plus five (5) pounds per square foot for each additional fifty (50) feet or less of sign height.

(e) Additional Construction Specifications.

1. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

2. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the Wisconsin or City's Building Code or Fire Prevention Code.

3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than eighteen (18) inches horizontally or vertically from any conductor or public utility guy wire.

#### **475.11 (8) ADMINISTRATION AND ENFORCEMENT**

(a) Administrator.

1. The Zoning Administrator appointed by the City Council is designated the Administrator of this subchapter, and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this subchapter, both in letter and in spirit. The Administrator is authorized to promulgate regulations and procedures consistent with this function.

2. The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists. If necessary, the Administrator may apply for a special inspection warrant under sec. 66.122 Wis. Stats.

(b) Application for Building Permit for Sign. Application for a building permit for the erection, alteration, or relocation of a sign shall be filed with the City Clerk upon a form provided by the City and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign or sign structure as defined in this subchapter.
4. A site plan showing the proposed location of the sign along with the locations and

square footage areas of all existing signs on the same premises.

5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

Such form may be the same or different than the form utilized by the City for other building permit applications.

(c) Permit Fees. All applications for permits filed with the City Clerk shall be accompanied by a payment of the building permit fee for each sign according to the building permit schedule on file at the City Clerk's office.

(d) Issuance and Denial. All applications for permits under this subchapter shall be investigated by the Administrator, who shall then refer the application together with his/her recommendation thereon to the City Council. The City Council may then act on the application, or refer the application to the Planning Commission for further investigation and its recommendation. The City Council may then issue the permit, provided that the sign complies with all applicable laws and regulations of the City. If the proposed sign does not so comply or is for other reasons questionable, the City Council may decline to issue. In considering all applications, where a matter of conflict or of interpretation arises, the more specific definition or higher standard shall prevail. The City may in any case suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application, or for any material deviation in the actual sign or installation thereof from the data in the application upon which the permit was granted.

(e) Permit Conditions, Refunds and Penalties. All permit conditions and fees shall be the same as for any other City of Richland Center building permit. There shall be no refund of the fee in the event that a permit is denied.

(f) Inspection. Inspections shall be as for any other City of Richland Center building permit.

(g) Violations. Violations may be referred to the City Attorney for prosecution by any official, Board or Commission of the City, including the City Council

(h) Removal of Signs by the Administrator.

1. The Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator together with an additional 30 percent for inspection and incidental costs.

2. If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten per cent (10%) penalty for collection in the manner provided by law for similar assessment.
3. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.
4. For the purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

## **475.12 DEFINITIONS.**

For the purpose of this Chapter, certain words and terms are defined as follows:

**(1) Words and Phrases in General.**

- (a) Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine and neuter genders.
- (b) All distances measured in feet shall be to the nearest tenth of a foot.
- (c) The word "shall" is mandatory and not discretionary.
- (d) The word "building" includes the word "structure".
- (e) The word "City" or "city" shall mean the City of Richland Center.
- (f) The words "Council, "City Council" and "Common Council" shall be interchangeable, and shall refer to the Common Council of the City of Richland Center.
- (g) The words "Planning Commission" and "Plan Commission" shall refer to the Planning Commission of the City of Richland Center, which is the same as the City Plan Commission for said City created pursuant to sec. 62.23(1) Wis. Stats.
- (h) The words "Joint Extraterritorial Zoning Committee" and "Joint Committee" shall be interchangeable, and shall refer to the joint committee created pursuant to sec. 62.23(7a) Wis. Stats.
- (i) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in such definition thereof.

(j) All definitions contained in Chapter 452 of the Code of Ordinances of the City of Richland Center, regulating floodplains and wetlands, are hereby incorporated by reference in this Chapter.

(k) All definitions contained in Chapter 485 of the Code of Ordinances of the City of Richland Center, which regulates signs, are hereby incorporated by reference in this Chapter.

(l) Any words not herein specifically defined shall be construed as defined in the building codes of the City of Richland Center or of the State of Wisconsin, or by the general laws of Wisconsin.

**(2) Abutting:** Making contact with or separated only by a public thoroughfare, a railroad, a public utility right-of-way, or navigable waters.

**(3) Accessory Structure:** Any structure that is devoted primarily to agricultural use.

**(3a) Accessory use:** Any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(e) Any other use that the department of Agriculture, Trade and Consumer Protection, by rule, identifies as an accessory use.

**(3a) Agricultural use:**

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production
2. Keeping livestock
3. Beekeeping
4. Nursery, sod, or Christmas tree production

- 4m. Floriculture
5. Aquaculture
6. Fur farming
7. Forest management
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program

(b) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

**(4) Addition:** A physical enlargement of an existing structure.

**(5) Airport or Heliport:** Any land, water, or structure which is used or intended for use, for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.

**(6) Alley:** A public right-of-way which affords a secondary means of access to abutting property.

**(7) Animal Unit:** A means of quantifying animals, poultry and other domesticated or owned creatures. Each of the following constitutes one animal unit:

- (a) one (1) bull, cow, steer, heifer or calf, whether dairy or beef;
- (b) one (1) horse, colt, donkey, mule or burro;
- (c) one (1) sow, hog, boar, shoat, gilt or piglet;
- (d) one (1) sheep or lamb;
- (e) one (1) goat or kid; one (1) mink or other fur-bearing animal;
- (f) three (3) chickens, turkeys, ducks or other fowl, including chicks;
- (g) three (3) rabbits;
- (h) one (1) of any other type or species of owned animal, excluding household pets not owned or raised for sale.

**(8) Animal Waste Storage Facility:** Any tank or other container intended or utilized for the storage of waste products excreted or otherwise derived from animals, poultry and other creatures, whether in liquid, solid or other form and including by way of illustration manure, urine, guano, blood, guts, tankage, green hides, bones and other by-products of slaughtering.

**(9) Automobile Reduction Yard:** A lot or yard where two (2) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

**(10) Automobile Repair-Major:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting service.

**(11) Automobile Repair-Minor:** The replacement of any part or repair of any part which does not require the removal of the engines, head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of three-quarter (3/4) ton rating.

**(12) Basement:** A portion of a building located partly underground, but having half or less than its floor-to-ceiling height below the average grade of the adjoining ground.

**(13) Boarding House:** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

**(14) Building:** Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

**(15) Building Height:** The vertical distance from: (a) the average elevation of the adjoining ground level or (b) the established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

**(16) Carport:** An open sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

**(17) Cellar:** That portion of the building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground.

**(18) Commission:** The City of Richland Center Planning Commission.

**(19) Community Living Arrangement:** Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health & Social Services:

- Child welfare agencies under sec. 48.60 Wis. Stats.
- Group homes for children under sec. 48.02 (7) Wis. Stats.
- Community based residential facilities under sec. 50.01 Wis. Stats. , but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. (Reference sec. 46.03(22) Wis. Stats.)

**(20) Conditional Uses:** Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning District, which for their respective conduct, exercise or use in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or

regulations in such use district for the promotion or preservation of the general public welfare, health, convenience or safety therein and may be permitted in such use district only by a conditional use permit.

**(21) Conditional Use Permit:** A discretionary permit allowing a specified use of a lot or parcel of land, which may be specially and individually granted to the owner of a specific property by the City Council after completion of all studies, reviews and public hearings on the application therefore which are required by this Chapter. A conditional use permit, when issued, is personal to the permittee, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a conditional use permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued conditional use permit affecting the lot. A conditional use permit may, at the time of issuance, be limited as to duration, and upon expiration of such limitation shall be thereafter null and void.

**(22) Condominium:** Property subject to a condominium declaration established under Chapter 703 Wisconsin Statutes, as regulated by said Chapter 703 and by this Chapter.

**(22a) Crematory:** A facility designed and used for reducing human or animal remains to ashes. [Added by Ord 2011-1]

**(23) Curb Level:** The elevation of the established curb or as assigned by the City in front of a building measured at the center of such front.

**(24) Day Care Center:** A use where for compensation care and supervision are provided for four (4) or more children under the age of seven (7) years for less than 24 hours a day, and which is required by sec. 48.65 Wis. Stats. to be licensed by the Wisconsin Department of Health & Human Services.

**(25) Day Care Home, Family:** A dwelling which is licensed as a day care center, where care and supervision are provided for not more than eight (8) children. (Reference: sec. 66.1017 Wis. Stats.)

**(26) District:** Areas of land for which regulations concerning the use and buildings are uniform. The term is synonymous with "Zoning District."

**(26a) Duplex Dwelling:** A structure which contains Two (2) dwelling units, A Duplex Dwelling includes a manufactured home, which contains Two (2) dwelling units. [Added by Ord 2003-16]

**(27) Dwelling:** A building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.



**(28) Dwelling - Attached:** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

**(29) Dwelling - Detached:** A single dwelling unit not attached to another dwelling or structure.

**(30) Dwelling - Townhouse:** A single family building having only one or more than one wall in common with another single family building, oriented so that all exits open directly to the outside

**(31) Dwelling Unit:** A single family dwelling.

**(32) Efficiency Unit:** A dwelling unit wherein the cooking area, living area and sleeping area are all located in one room, whether or not such room is divided by partial dividers such as counters or screens.

**(33) Essential Services:** Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

**(34) Essential Service Structure:** A building, structure or enclosure which is a part of a system for the providing of essential services, such as a substation, pump station, pumphouse or similar use.

**(35) Family:** An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

**(36) Farm:** All land under common ownership that is primarily devoted to agricultural use.

**(37) Fence:** A fence is defined for the purpose of this Chapter as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along a lot boundary or within a lot or parcel.

**(38) Floor Area:**

**(a) Residential Floor Area:** The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, provided that the floor area of a dwelling shall not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces.

**(b) Commercial Floor Area:** The sum of the gross horizontal areas of the several floors of the building, including interior balconies, mezzanines, basements and attached accessory buildings, excepting the areas primarily devoted to: window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. [Amended by Ord 2003-15]

**(39) Floor Area Ratio:** The numerical value obtained through dividing the floor area of a building or buildings by the area of the lot on which such building or buildings are located.

**(40) Frontage:** That portion of a lot abutting on the right of way line of a street, whether one side of a street between two (2) intersecting streets or between an intersecting street and the dead-end of a street.

**(41) Garage-Private:** A detached or attached accessory building or a carport, which is used primarily for storing passenger vehicles, trailers, or one (1) truck of a rated capacity not in excess of 7,000 pounds gross weight.

**(42) Garage-Public:** Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

**(43) Garage-Storage:** Any building or premises used for the storage only of more than two motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, repair parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two ton capacity shall be stored in any storage garage.

**(44) Garage Sale:** Any display of used goods and/or salesman's samples and sale of said goods on a property ordinarily used as a residence. The person conducting the sale shall be resident on the site.

**(45) General Floor Plans:** A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

**(46) High Density Farming Operation:** Any farm operation (including leasing of pasture or feedlot) involving or utilizing an animal unit density in excess of one (1) per acre of contiguous tillable or open pasture land.

**(47) Home Occupation:** Any gainful occupation or profession engaged in by the occupants of the dwelling when conducted within the dwelling, or attached accessory building or upon a parcel of land containing the dwelling unit including gardening on such parcel, provided that evidence of the occupation other than gardening is not visible from the street; there is no sale of products produced off the site; there are no employees who are not residents of the dwelling, and

the use does not adversely affect the character of the uses permitted in the district in which it is located.

**(48) Horticulture:** The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping, raising or production of livestock.

**(49) Hotel:** A building containing five (5) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which principal access to and from all rooms is made through an inside lobby or office supervised by a person in charge.

**(50) Hotel-Apartment:** A hotel providing one or more dwellings where cooking facilities are present.

**(51) Junk Yard:** An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, abandoned, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building or as otherwise permitted by this Chapter shall not be included in this definition.

**(52) Land Reclamation:** Depositing six hundred (600) cubic yards or more of material so as to elevate the grade.

**(53) Livestock:** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm raised game birds, camelids, ratites and farm raised fish. [sec. 91.01 (20m Wis. Stats.)]

**(54) Loading Berth:** An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

**(55) Lot:** A parcel of land which is subject to this Chapter, whether the land is used or intended for occupancy or for any other use, regardless of whether such parcel is a platted lot or is described by metes and bounds.

**(56) Lot Area:** The area of a lot in horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area which has been dedicated as public thoroughfare or road.

**(57) Lot Area Per Unit:** The number of square feet of lot area required per dwelling unit.

**(58) Lot-Corner:** A lot situated at the junction of, and abutting on two (2) or more

intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-two (132) degrees.

**(59) Lot Depth:** The mean horizontal distance between the front lot line and the rear line of a lot.

**(60) Lot Line:** A lot line is a property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the nearest line of such public right-of-way shall be the lot line for applying this Chapter.

**(61) Lot Line-Front:** That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are within 10% of being equal, the front lot line shall be that street line designated by the owner and filed in the Office of the Building Inspector.

**(62) Lot Line-Rear:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

**(63) Lot Line-Side:** Any boundary of a lot which is not a front lot line or a rear lot line.

**(64) Lot of Record:** Part of a city, plat or subdivision, the plat of which has been recorded in the office of the Richland County Register of Deeds; or a parcel of land, the conveyance of which as a separate parcel was recorded in the office of said Register of Deeds, prior to the effective date of this Chapter.

**(65) Lot-Through:** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

**(66) Lot Width:** The maximum distance between the side lot lines of any lot measured parallel to front lot line and within the required front yard of the lot.

**(66a) Migrant Worker Housing:** The site and all structures, approved by the Department of Commerce, the Department of Health and Family Services, and any other agency having jurisdiction or requirements over migrant labor and migrant labor facilities, maintained as living quarters by, for or under the control and supervision of any person for:

(1) Any migrant worker; or

(2) Any other person who is not related by blood or marriage to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state.

(3) "Migrant worker housing" does not include the premises occupied by the employer as a personal residence and by no more than two migrant workers, nor any accommodation subject to Ch. 50, Wis. Stats. **[Added 4-16-1996 by Ord. No. 1996-1]**

**(66a) Manufactured Home:** A structure certified and labeled as a manufactured home under 42 U. S. C. 88. 5401-5406, which is set on an enclosed foundation and which meets the standards set forth in the Wisconsin Uniform Dwelling Code, installed in accordance with the manufacturer's instructions and properly connected to water and sewage facilities. **[Added by Ord 2003-16]**

**(67) Mining:** The extraction of sand, gravel, or other material from the land in the amount of six hundred (600) cubic yards or more and removal from the site.

**(68) Mobile Home:** Any type of structure or vehicle having 600 sq. ft. or more which can be readily adapted to or does provide facilities for a person or persons to eat or sleep, or both, which is mounted on wheels, or has provisions for the mounting of wheels and which has provisions for connecting to public utilities.

**(68a) "Mobile service"** has the meaning given in 47 USC 153 (33). **[Added by Ord 2016-13]**

**(68b) "Mobile service facility"** means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure. **[Added by Ord 2016-13]**

**(68c) "Mobile service support structure"** means a freestanding structure that is designed to support a mobile service facility. **[Added by Ord 2016-13]**

**(69) Motel, Motor Hotel or Motor Court:** A building or group of buildings other than a hotel used primarily as a temporary residence for motorist, tourists or travelers.

**(70) Motor Freight Terminal:** A building or area in which freight brought by motor truck, or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

**(71) Motor Fuel Station:** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

**(72) Motor Fuel Station Convenience Store:** Any store operated in conjunction with a major motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

**(73) Non-Conforming Structure:** Any structure which is existing upon the effective date of this Chapter, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Chapter.

**(74) Non-Conforming Use:** Use of land, buildings or structures existing on the effective date of this Chapter which does not comply with all the regulations of this Chapter or any amendments hereto governing the zoning district in which such use is located.

**(75) Noxious Matter or Materials:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**(76) Open Sales Lot:** Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed with a building.

**(77) Parking Space:** A suitably surfaced or permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

**(78) Party Wall:** A wall which divides two independent structures.

**(79) Performance Standard:** Criterion established to control noises, odors, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

**(80) Person:** Male or female natural persons, and also bodies politic, business and non-profit corporations, partnerships of all types, cooperatives and all other forms of unincorporated associations.

**(80a) Planned Unit Development:** The development and use of an area or parcel of land, typically larger than the minimum lot size applicable to the zoning district in which it lies, upon which parcel of land there exists or will exist more than one principal use structure, and which development and use is pursuant to and in strict conformity with a master site plan for the area, submitted and approved prior to the commencement of any construction or use of lands in the development. A planned unit development is distinguished from a plat under ch. 236 Wis. Stats. by the fact that a plat is required to show basically lot, block and plat boundary lines, shorelines, streets and highways and other areas dedicated to the public while the site plan for a planned unit development shows in addition the location and use of principal structures, accessory uses and structures, utility services, and other matters required by this Chapter.

**(81) Planning Commission:** Within this Chapter the term Planning Commission shall refer to the Planning Commission of the City of Richland Center.

**(82) Principal Use:** The primary use of a parcel or structure and to which other uses are accessory.

**(83) Professional Office:** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

**(84) Property Line Grade:** The elevation of the property line in front of a building measured at the center of such building. Where no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the "existing" property line grade.

**(85) Public Airport:** Any airport which complies with the definition contained in Section 114.002 (18m) Wis. Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

**(86) Public Hearing:** Whenever the term "Public Hearing" is used in this Chapter, unless otherwise specifically redefined, it shall mean a hearing before a governmental official, board or entity which is open to members of the public and the news media and which is held pursuant to a prior public notice given as required by law for the specific type of hearing.

**(87) Public Utility Services:** The providing of electric power, gas, telephone, sanitary sewer, water and storm water drainage.

**(88) Publication:** Notice placed in the official city newspaper stating time, location and date of a meeting and a general description of the subject matter or topic of the meeting and setting forth other information required by law to be disseminated to the public.

**(89) Pump Setback:** The distance from the street right-of-way line to the center line of the motor fuel station pump island measured as a perpendicular distance from the right-of-way.

**(89a) Recreational Vehicle Park Model:** A permanent structure, less than 600 square feet in area, designed to be used as a temporary dwelling for recreational or vacation use and located in a recreational vehicle (R.V.) Park. **[Added by Ord 2003-16]**

**(89b) Recreational Vehicle or R.V.:** A trailer, fifth wheel, van, motor home or other vehicle designed to be used as a temporary dwelling for travel, recreation and vacation use which does not fall within the definition of a mobile home. **[Added by Ord 2003-16]**

**(89c) Recreational Vehicle Park:** Any privately or publicly owned parcel or tract of land used for the purpose of supplying accommodations for use by recreational vehicles and recreational park models or tents on a temporary basis, open to the public, and so designated as an "R.V. Park" by a conditional use permit. **[Added by Ord 2003-16]**

**(89d) Campground:** See "Recreational Vehicle Park". [Added by Ord 2003-16]

**(90) Roadside Stand:** A portable or temporary structure which is not permanently fixed to the ground and which is readily removable in its entirety; covered or uncovered but not wholly enclosed; and which is used solely for the sale of farm products raised on the premises. No building for any such roadside stand shall be more than 400 square feet in area and there shall be not more than one roadside stand on any one premises.

**(91) Setback:** The distance from the point of a building, structure or other improvement nearest a street to the closest point on the right of way of such street, regardless of whether the street is paved, curbed or otherwise improved to the such nearest point on the right of way.

**(91a) Single Family Dwelling:** A structure which is used or intended to be used as a home, residence or sleeping place by one person or two or more persons, maintaining one common household, to the exclusion of all other persons. The phrase "Single Family Home" includes a manufactured home, which contains one dwelling unit. (See "Family"). [Added by Ord 2003-16]

**(92) Story:** That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a full story, and a cellar shall not be counted as a story.

**(93) Street:** A public right-of-way not less than sixty (60) feet in width (unless platted by the City having a lesser width) which affords a primary means of access to abutting property, and shall also include an avenue, highway or road excepting a half right-of-way where the intent is to acquire the other half. A street includes the full width of the right-of way regardless of whether the street is paved, curbed or otherwise improved to the such nearest point on the right of way.

**(94) Structure:** Anything constructed or erected on or connected to the ground.

**(95) Structural Alterations:** Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

**(96) Temporary Structure:** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

**(97) Thoroughfare:** Any street designated as a Town Road, County Highway, County State Aid Highway, or any State Trunk or Interstate Highway, as determined by the records of the Wisconsin Department of Transportation.

**(98) Tourist Camp or Trailer Camp:** See "Recreational Vehicle Park". [Amended by Ord 2003-16]



**(99) Townhouse:** Single family building having only one or more walls in common with another single family building, oriented so all exits open directly to the outside.

**(100) Trailer Coach:** See "Recreational Vehicle". [Amended by Ord 2003-16]

**(101) Truck Stop:** A motor fuel station devoted principally to the needs of over-the-road tractor/trailer units and trucks and which shall include eating and/or sleeping facilities and located within five hundred (500) feet of the right-of-way of a designated state trunk highway and/or a federally aided interstate highway or on a major city thoroughfare, city collector street, highway service road or highway.

**(102) Use:** The purpose or activity for which a lot or parcel of land or any building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this Chapter.

**(103) Use-Accessory:** A non-residential use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

**(104) Use-Conditional:** Those occupants, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning District, which for their respective conduct, exercise or performance in such designated Districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification, or regulations in such District for the promotion or preservation of the general public health, welfare, convenience, or safety therein and which, therefore, may be permitted in such use district only by a Conditional Use Permit.

**(105) Use-Permitted:** A use which may be lawfully established in a particular zoning District or Districts, provided it conforms with all requirements, regulations, and performance standards (if any) applicable to such Districts.

**(106) Use-Principal:** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

**(107) Variance:** A variance is an authorization for the construction of or maintenance of a building or structure or for the establishment of a use of a lot in a manner which is otherwise prohibited by the terms of this Chapter. A variance creates a vested right to a use which runs with the land and is transferable with the lot. A variance can be granted only upon a showing of unnecessary hardship (but not a hardship which is self-inflicted by the applicant) or practical difficulties of such magnitude that without the variance the landowner will be deprived of the beneficial use of the lot and a virtual confiscation of the property will result.

**(108) Vending Machine:** Any coin operated device which dispenses a product or service

without an attendant.

**(109) Yard:** A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such a lot line to a depth or width specified in the yard regulations for the zoning District in which such lot is located.

**(110) Yard-Front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to the nearest point of any building on the lot to such right-of-way line.

**(111) Yard-Rear:** A yard extending along the full width of the rear lot line between the side lot lines and extending from said rear lot line to the nearest point of any building on the lot to such rear lot line.

**(112) Yard-Side:** A yard extending along the side lot line between the front and rear yards and extending from said side lot line to the nearest point of any building on the lot to such side lot line.

**(113) Zoning Administrator:** The person appointed by the City Council to act in the capacity described in this Chapter. The Zoning Administrator may also serve as the Building Inspector, or the City Council may appoint a separate person to act in each capacity.

**(114) Zoning District:** An area or areas subject to this Chapter and determined pursuant hereto, for which the regulations and requirements governing use, lot size and size of buildings and premises are uniformly consistent with other areas classified in the same District, notwithstanding that any lot or parcel in such District may have been granted a conditional use permit, a variance or a similar discretionary use permit.

### **475.13 CONFLICT, SEVERABILITY, AND EFFECTIVE DATE.**

**475.13 (1) CONFLICT.** If any portion of this Chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety, or health ordinance of the City, the provision which establishes the higher standard shall prevail.

**475.13 (2) SEVERABILITY.** The provisions of this Chapter are declared to be severable, and if any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Chapter, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

**475.13 (3) EFFECTIVE DATE.** This Chapter shall take effect and be in force upon its passage and publication as required by statute.