

Chapter 17 – ZONING CODE

INDEX

Section	Page
SECTION 1.0 (INTRODUCTION)	
1.1 – Title	3
1.2 – Authority	3
1.3 – Purpose	3
1.4 – Intent	3
1.5 – Abrogation and Greater Restrictions	3
1.6 – Severability	3
1.7 – Interpretation	3
1.8 – Effective Date	3
SECTION 2.0 (GENERAL PROVISIONS)	
2.1 – Jurisdiction	4
2.2 – Zoning Administrator	4
2.3 – Plan Commission	4
2.4 – Compliance	4
2.5 – Use Restrictions	5
2.6 – Modifications	5
2.7 – Reduction or Joint Uses	6
2.8 – Lots to Abut Streets – Frontage	6
2.9 – Structures to be Located on Lot	6
2.10 – Lots on Undedicated Portion of Street	7
2.11 – Average Street Yards	7
2.12 – Lots Abutting More Restrictive Use Districts	7
2.13 – Open Wood Decks	7
2.14 – Attached Garages	7
2.15 – Design and Preservation Commission	7
SECTION 3.0 (ZONING DISTRICTS)	
3.1 – Districts – Establishment	11
3.2 – Districts – Boundaries	11
3.3 – Vacation of Streets and Alleys	12
3.4 – Annexation and Consolidation	12
3.5 – Zoning Map	12
3.6 – R-1 Low Density Residential District	12
3.7 – R-2 Medium Density Residential District	13
3.8 – R-3 – High Density Residential District	14
3.9 – R-4 – Mobile Home District	14
3.10 – B-1 Central Business District	16
3.11 – B-2 – Highway Commercial District	16
3.12 – RF – Riverfront District	17
3.13 – I-1 – Industrial/Nonmanufacturing District	17
3.14 – I-2 – Industrial/Manufacturing District	18
3.15 – PDC – Planned Community Development District	18
3.16 – AT – Agricultural Transition District	19
3.17 – Floodplain Overlay District	19
3.18 – Home Occupations	19
SECTION 4.0 (TRAFFIC, PARKING AND ACCESS)	
4.1 – Intersection, Visibility Requirements	22
4.2 – Loading Requirements	22
4.3 – Parking Requirements	22
4.4 – Highway Access	24
SECTION 5.0 (GENERAL PERFORMANCE STANDARDS)	
5.1 – Compliances	24

5.2 – Air Pollution	24
5.3 – Fire and Explosive Hazards	24
5.4 – Glare and Heat	25
5.5 – Liquid and Solid Wastes	25
5.6 – Noise	25
5.7 – Odors	25
5.8 – Radioactivity and Electrical Disturbances	25
5.9 – Unsuitable Land Restrictions	25
5.10 – Required Screens and Buffers	25
SECTION 6.0 (SIGNS)	
6.1 – Purpose	26
6.2 – Administration	26
6.3 – Definitions and District Classifications	26
6.4 – Permits Required	28
6.5 – Application for a Permit	28
6.6 – Fees for Sign Permits	28
6.7 – Permit Issuance and Denial	28
6.8 – Appeals	28
6.9 – Construction Specifications	28
6.10 – General Design Requirements	28
6.11 – Installation and Maintenance Safety	29
6.12 – Removal and Disposition of Signs	29
6.13 – Legal Non-Conforming Signs	29
6.14 – Prohibited Signs	29
6.15 – Signs Not Requiring a Permit	30
6.16 – Special Signs	31
6.17 – Signs Permitted by Zoning Districts	33
6.18 – Penalties	35
SECTION 7.0 (NONCONFORMING USES, STRUCTURES AND LOTS)	
7.1 – Existing Nonconforming Uses	35
7.2 – Existing Nonconforming Structures	35
7.3 – Abolishment or Replacement	35
7.4 – Total Lifetime Structural Repairs	36
7.5 – Changes and Substitutions	36
7.6 – Substandard Lots	36
7.7 – Nonconformance in Floodplay Areas	36
SECTION 8.0 (CONDITIONAL USES)	
8.1 – Permits	36
8.2 – Application and Fee	36
8.3 – Hearings	36
8.4 – Review and Approval	36
SECTION 9.0 (ZONING PERMIT/CERTIFICATE OF OCCUPANCY)	
9.1 – Compliance	37
9.2 – Application Requirements	37
9.3 – Review by Zoning Administrator	38
9.4 – Review by Plan Commission	38
9.5 – Issuance of a Zoning Permit	38
9.6 – Certificate of Occupancy	39
9.7 – Fee	39
9.8 – Violations – Penalties	39
SECTION 10.0 (BOARD OF ZONING APPEALS)	
10.0 – Establishment	39
10.01 – Membership	39
10.2 – Organization	39

10.3 – Powers	40
10.4 – Appeals and Applications	40
10.5 – Appeals – Hearings	40
10.6 – Variance – Appeals – Findings	40
10.6 – Appeals – Decision	41

SECTION 11.0 (CHANGES AND AMENDMENTS)

11.1 – Authority	41
11.2 – Initiation	41
11.3 – Petitions	41
11.4 – Recommendations	42
11.5 – City Council Action	42
11.6 – Protest	42
11.7 – Floodplay Overlay District	42

SECTION 12.0 (DEFINITION)

SECTION 1.0 (INTRODUCTION)

1.1 (TITLE)

This title shall be known as, referred to, or cited as the "Zoning Code, City of Prairie du Chien, Wisconsin."

1.2 (AUTHORITY)

These regulations are adopted under the authority granted by Section 62.23(7) and 87.30 of the Wisconsin Statutes.

1.3 (PURPOSE)

The purpose of this title is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

1.4 (INTENT)

It is the general intent of this title to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's Master Plan or plan components. It is further intended to provide for the administration and enforcement of this title and to provide penalties for its violation.

1.5 (ABROGATION AND GREATER RESTRICTIONS)

It is not intended by this title to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this title imposes greater restrictions, the provisions of this title shall govern.

1.6 (SEVERABILITY)

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 (INTERPRETATION)

In their interpretation and application, the provisions of this title shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.8 (EFFECTIVE DATE)

June 28th, 1983

SECTION 2.0 (GENERAL PROVISIONS)

2.1 (JURISDICTION)

The jurisdiction of this ordinance shall include all lands and waters within the corporate limits of the City of Prairie du Chien.

2.2 (ZONING ADMINISTRATOR)

(1) DESIGNATED. The Office of the Zoning Administrator is hereby created as the administrative and enforcement officer for the provisions of this ordinance. The Zoning Administrator shall exercise the following duties and powers:

- (a) Advise applicants as to the provisions of this Ordinance.
- (b) Issue permits and inspect properties for compliance with this ordinance and issue Certificates of Occupancy when appropriate.
- (c) Repealed¹
- (d) Repealed²
- (e) Repealed³
- (f) Repealed⁴
- (g) Maintain on file a list of all documentation of certified elevations.

(2) ENTRY. The Zoning Administrator and duly appointed deputies may enter at reasonable time into any public or private lands or waters to make a zoning inspection.

2.3 (PLAN COMMISSION)

(1) CREATION OF PLAN COMMISSION. There is created a City Plan Commission which shall consist of the Mayor, the City Engineer, the chairman of the Park and Recreation Board or designee, a council member, and three (3) citizens of the City. In addition thereto, there may be three (3) alternative members, one (1) being a council member and two (2) being citizens, any of which may be called upon to serve in the absence of any one or more members of the board. Citizen members shall be persons of recognized experience and qualification, and shall be appointed by the Mayor, all as provided in Section 62.23 of the Wisconsin Statutes. The council member shall be elected by two-thirds (2/3) vote of the council in compliance with Chapter 1.19 of the City Municipal Code.

(2) PLAN FUNCTION. The City Plan Commission shall have the qualifications and perform the functions required by this code and the Wisconsin Statutes, Section 62.23 in particular.

(3) ARCHITECTURAL CONTROL FUNCTION. The City Plan Commission is empowered with the architectural function as provided in Section 9.0, Plan Review for the purpose of promoting compatible development, aesthetics, historic preservation, and stability of property values.

(4) ORGANIZATION. The City Plan Commission shall organize and adopt rules for its own governing in accordance with the provisions of this Code and Wisconsin Statutes.

- (a) The Mayor shall be the presiding officer. Other officers shall be elected from the membership for terms of two (2) years.
- (b) Meetings shall be held at the call of the chairman or when requested by the Zoning Administrator and shall be open to the public.⁵
- (c) Minutes shall be kept showing all actions taken and shall be a public record.
- (d) Quorums shall be four (4) members. All actions require majority rule.

2.4 (COMPLIANCE)⁶

No structure, land or water shall hereafter be used or be changed in use and no structure shall hereafter be located, erected, or constructed without a zoning permit, Section 9.0 (except minor structures) and without full compliance with the provisions of this ordinance and all other applicable local, county, and state regulations.

¹ Section 2.0 – 2.2 (1) (c) - Amended by Ordinance 689 and by Ordinance 2010-14

² Section 2.0 – 2.2 (1) (d) - Amended by Ordinance 689 and by Ordinance 2010-14

³ Section 2.0 – 2.2 (1) (e) - Amended by Ordinance 689 and by Ordinance 2010-14

⁴ Section 2.0 – 2.2 (1) (f) - Amended by Ordinance 689 and by Ordinance 2010-14

⁵ Section 2.0 – 2.3 (4) (b) - Amended by Ordinance 708

⁶ Section 2.0 – 2.4 - Amended by Ordinance 689

2.5 (USE RESTRICTIONS)

The following use restrictions and regulations shall apply.

(a) Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

(b) Accessory Uses and Structures. Accessory uses and structures are permitted in all districts but not until the principal open space use is established or a principal structure is present or under construction. Accessory uses and structures shall include parking facilities, storage and shelter facilities, fencing, signage or other incidental structure or use which requires placement in or on the site.

1. Accessory uses or structures in Residential Districts shall not involve the conduct of any business, trade or industry except as customarily incidental to a Home Occupation or approved Conditional Use in the District.

2. Accessory uses or structures subject to locations as per Wisconsin Administrative Code requirements shall meet all minimums as set forth in applicable provisions of the Wisconsin Administrative Codes, but shall be located not less than the specific requirements as set forth in this section.

3. Repealed⁷

4. Any accessory use or structure shall comply with the buffering, screening and visibility requirements of this chapter.

(c) Unclassified or Unspecified Uses. Uses that are not specifically listed as a permitted use within a district but that are similar in character or impact to other permitted uses may be authorized by interpretation of the Zoning Administrator. If a clear determination cannot be made by the Zoning Administrator, an unclassified or unspecified use may be permitted by the board of Zoning Appeals provided that the use is found to be consistent with the intent of this ordinance.

(d) Temporary Uses. Temporary uses and structures, such as produce stands, real estate sales field offices or shelters for materials and equipment being used during a construction project may be permitted by the Zoning Administrator for periods not to exceed one (1) year. The placement of construction site tanks for storage of flammable or combustible liquids shall be subject to approval of the local Fire Department. Establishing a temporary use for longer periods shall require approval of the Plan Commission.

2.6 (MODIFICATIONS)

(1) HEIGHT MODIFICATIONS. The district height limitations stipulated elsewhere in this ordinance may be exceeded but such modification shall be in accord with the following:

(a) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys; may extend above the maximum building height standard for the district in which they are located provided that they shall not exceed in height their distance from the lot line nearest the projection and shall not exceed one-hundred (100) feet.

(b) Essential Services, utilities, water towers and electric power and communication transmission towers are exempt from the height limitations of this ordinance.

(c) Communication and other tower type installations, such as radio and television transmission and relay towers, wind generators, aerials and observation towers, shall not exceed in height their distance from the nearest lot line, unless a conditional use permit is first obtained from the City Plan Commission or unless pre-empted by the Federal Communications Commission.

(d) Public or semipublic facilities, such schools, churches, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, exclusive of architectural projections, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

(2) YARD MODIFICATIONS. The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

(a) Uncovered stairs, patios, landings and fire escapes may project into any required yard, except front and corner lot side, but not to exceed five (5) feet.⁸

⁷ Section 2.0 – 2.5 (b) (3) amended by Ordinance 2010-14

⁸ Section 2.0 – 2.6 (2) (a) - Amended by Ordinance 708 and Ordinance 2017-14

(b) Architectural projections, such as chimneys, flues, gutters, sills, eaves, belt courses and ornaments, may project into any required yard, but such projections shall not exceed three (3) feet.

(c) Residential fences and walls are permitted (excepting barbed wire, electric or other potentially hazardous fences) either within or on the property line. Fences and walls shall not exceed a height of six (6) feet in the side yard or rear yard area and shall not exceed a height of four (4) feet in the required street yard and shall not be closer than three (3) feet to any public right of way adjoining at the rear yard. Provided, however, that the finished side of all walls and fences permitted hereunder shall be constructed in such a manner that the finished side of said fence or wall faces out from the property on which the fence or wall is located.⁹

(d) Security fences. Within the B-1, B-2, I-1, I-2 and RF Districts, security fences are permitted within the side and rear yard areas. Such fences shall not exceed ten (10) feet in height. Barbed wire is permitted only on security fences at least six (6) feet above established grade levels.¹⁰

(e) Fences in AT Districts. Line and division fences shall be allowed as per Wis. Stats. Residential fencing and security fencing shall meet the requirements of (3) and (4) of this section.¹¹

(f) Accessory uses and detached accessory structures are permitted in side and rear yards only, and shall be a minimum of three (3) feet from interior lot lines, three (3) feet from alley lines, and maintain corner lot setback as per the district requirements for principal structure, except:

1. Residential Districts.

a. Driveways, fencing, ramps, underground storage tanks and certain signage as per specific requirements as set forth in this section shall be permitted in front yards and in corner lot sideyards in Residential Zoning Districts.

b. On-site parking located in front yard setbacks and corner lot sideyards for apartments, public buildings and conditional uses in Residential Districts shall be reviewed by the City Plan Commission.

2. Commercial and Industrial Districts.

a. Driveways, on-site parking areas, fencing, ramps, underground storage tanks, open canopies and their supports over fuel dispensing equipment when located more than 10 feet from a lot line, pumps, and signage as per specific requirements as set forth in this section shall be permitted in front yards and in corner lot sideyards in Commercial and Industrial Zoning Districts.

3. Riverfront District. Accessory structures for open space permitted uses and approved Conditional Uses shall be located as per Section 3.12 (4) of this Chapter.

4. AT Agricultural Transition District. Accessory structures for agricultural purposes shall be located as per section 3.16(4) of this Chapter. Agricultural related flammable or combustible liquid storage shall be reviewed by the local Fire Department.¹²

(g) Essential services, utilities, electrical power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

(h) Landscaping and vegetation are exempt from the yard requirements of this ordinance, excepting the provisions of Section 4.1 (intersection visibility requirements).

2.7 (REDUCTION OR JOINT USES)

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for structure or use shall be used for any other structure or use.

2.8 (LOTS TO ABUT STREET – FRONTAGE)

All lots shall abut upon a public street, and each lot shall have a minimum frontage at the street line of thirty (30) feet and shall have at least the minimum lot width at the required front yard setback of the district in which it is located. The requirement may be waived under Planned Residential Development (PRD) and Planned Community Development (PCD) provision of this ordinance.

2.9 (STRUCTURES TO BE LOCATED ON LOT)

⁹ Section 2.0 – 2.6 (2) (c) - Amended by Ordinance 2008-10

¹⁰ Section 2.0 – 2.6 (2) (d) - Amended by Ordinance 689

¹¹ Section 2.0 – 2.6 (2) (e) - Amended by Ordinance 689

¹² Section 2.0 – 2.6 (2) (f) (4) - Amended by Ordinance 91-24

All principal structures shall be located on a lot, only one principal structure shall be located or moved onto a lot. This requirement may be waived under Planned Residential Development (PRD) and Planned Community Development (PCD) provision of this ordinance.

2.10 (LOTS ON UNDEDICATED PORTION OF STREET)

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width other than under the PCD or PRD provisions of this ordinance.

2.11 (AVERAGE STREET YARDS)

The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side.

2.12 (LOTS ABUTTING MORE RESTRICTIVE USE DISTRICTS)

Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than one-hundred (100) feet from the district boundary line so as to equal the average of the street yards required in both districts.

2.13 (OPEN DECKS IN RESIDENTIAL ZONING DISTRICTS)

Open decks in residential zoning districts shall be permitted in any yard. They shall not be closer than three (3) feet to interior side or rear lot line and shall maintain corner lot setback and front yard setback as per the district requirements for principal structure.

2.14 (ATTACHED GARAGES)

Attached garages and covered porches shall be considered part of the principal structure and shall meet all the yard and height requirements of a principal structure.

2.15 (DESIGN AND PRESERVATION COMMISSION)¹³

(1) CREATION OF DESIGN AND PRESERVATION COMMISSION. There is created a City Design and Preservation Commission to be organized and operated in accordance with this section.

(2) PURPOSE AND INTENT. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of those features of special character, beauty, or special historical interest or value are public necessities and are required in the interest of health, prosperity, safety, and welfare of the people. The purpose of this Section is to:

- (a) Effect and safeguard the protection, enhancement, and perpetuation of our City's cultural, social, natural, economic, political, and architectural history as embodied and reflected in improvements, historic or landmark structures, historic or landmark sites, and natural features.
- (b) Stabilize and improve property values.
- (c) Foster civic pride in the beauty and noble accomplishments of the past and present.
- (d) Protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (e) Promote the use of aesthetic and historic resources for people's education, pleasure, and welfare.
- (f) Strengthen the economy of the City.

(3) DEFINITIONS. In this chapter, unless the context clearly requires otherwise:

- (a) "Commission" means the Design and Preservation Commission created under this chapter.
- (b) "Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
- (c) "Historic or landmark structure" means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City, state, or nation and which has been designated as a historic or landmark structure pursuant to the provisions of this chapter.
- (d) "Historic or landmark site" means any parcel of land of historic significance due to a substantial value in tracing the history or pre-history of man, or upon which a historic event has occurred, and which has

¹³ Section 2.0 – 2.15 - Created by Ordinance 2005-11

⁶³ Section 2.13 – Amended by Ordinance 2017-14

been designated as a historic or landmark site under this section, or a parcel, or part thereof, on which is situated a historic or landmark structure and any abutting parcel, or part thereof, used as and constituting part of the premises on which the historic or landmark structure is situated.

(4) DESIGN AND PRESERVATION COMMISSION COMPOSITION AND TERMS. The Design and Preservation Commission is hereby created, consisting of seven [7] Commissioners. Of the membership, one shall be a representative of the Plan Commission, one shall be a member of the Downtown Revitalization Inc. board of directors, one shall be an alderperson, one shall be a local preservationist or historian, one shall be a registered architect, and two shall be citizens. Each member shall have, to the highest extent practicable, a known interest in city beautification and historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year; two shall serve a term of two years; and three shall serve a term of three years. Thereafter, the term for each member shall be three years. Such terms shall initially expire one, two, or three years from the May 1 immediately following the effective date of this Section and on the same date each year thereafter. Members of the Commission may be appointed for succeeding terms. A vacancy occurring in the membership for any cause shall be filled by a person appointed by the Mayor and confirmed by the Common Council for the unexpired term. The members of said Commission shall receive no compensation except for necessary expenses sustained in carrying out their duties, which expenses shall be paid by the City of Prairie du Chien as may be authorized by the Common Council. The Commission shall elect a chairman, vice-chairman, and secretary-treasurer and shall adopt rules and regulations for its government not inconsistent with the provisions of this section.

(5) HISTORIC OR LANDMARK STRUCTURES, HISTORIC OR LANDMARK SITES, AND DESIGN AND PRESERVATION DISTRICT DESIGNATION CRITERIA.

(a) For purposes of this chapter, a historic or landmark structure, historic or landmark site, or design and preservation district designation may be placed on any area which:

1. Exemplifies or reflects the broad cultural, political, natural, economic, or social heritage of the City of Prairie du Chien, State or Nation; or
2. Is identified with historic personages or with important events in National, State, or local history; or
3. Embodies the distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Is representative of notable work of a master builder, designer, or architect whose individual genius influences an era; or
5. Is important, due to its visibility to major travel patterns, to the overall aesthetic image of the City.

(b) The Commission may adopt specific operating guidelines for historic or landmark structure, historic or landmark site, and design and preservation district designation providing such are in conformance with the provisions of this chapter.

(6) POWER AND DUTIES.

(a) Designation: The Commission shall have the power, subject to Section (7)(A), to recommend the designation of historic or landmark structures, historic or landmark sites, and design and preservation districts within the City limits of Prairie du Chien. Such designations shall be based upon the criteria established under Section (5)(A). Once designated by the Common Council, such historic or landmark structures, historic or landmark sites, and design and preservation districts shall be subject to all the provisions of the ordinance.

(b) Regulation of Exterior Construction, Reconstruction, and Alteration.

1. Any application for a permit from the Building Inspector involving the exterior of a structure within a design and preservation district or a historic or landmark structure or historic or landmark site shall be filed with the Design and Preservation Commission.
2. Any owner or agent in charge of a site or structure within a design and preservation district or a historic or landmark structure, historic or landmark site shall obtain a Certificate of Approval, granted by the Design and Preservation Commission, before reconstructing or altering any part of a structures exterior or constructing any exterior improvement upon a site. Unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
3. When an application is filed, the Design and Preservation Commission shall, within 30 days of such filing, determine:

- a. Whether proposed work on the improvement would not detrimentally change, destroy, or adversely affect any historic exterior architectural feature; and
- b. Whether, in the case of the construction of a new improvement, the exterior of such improvement would not adversely affect or would harmonize with the appearance of the immediate area; and
- c. If located within a design and preservation district, whether the proposed construction or exterior alteration shall conform to the design review standards adopted by the Commission for said district.

4. If the Commission determines Subsection 1, 2, and 3 of Paragraph (c) above in the affirmative, it shall issue the Certificate of Approval. Then a building permit may be issued by the Building Inspector.

5. Should the Commission fail to issue a Certificate of Approval due to the failure of the proposal to conform to the above guidelines, the applicant must be notified in writing and given the reason for denial. The applicant may then appeal such decision to the Common Council. In addition, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Approval within the guidelines of this Ordinance.

(c) Regulation of Demolition. No permit to demolish all or part of an improvement in a design and preservation district or a historic or landmark site shall be granted by the Building Inspector, except as follows:

1. The owner or agent, in charge of an improvement in a design and preservation district or a historic or landmark structure shall file a demolition application with the Commission.

2. Upon such application, the Commission may refuse to grant written approval for a period of up to six (6) months from the time of filing of such application, during which time the Commission and the applicant shall undertake serious, cooperative, and continuing negotiations for the purpose of finding a method to save such property. However, the owner, or his agent, may appeal any refusal of a demolition application to the Common Council during the said six month period.

3. At the end of this six (6) month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or non-profit organization to reserve the subject property is pending, the Building Inspector may issue the permit to demolish the subject property without approval of the Commission.

(d) Sale of Historic or Landmark Structure and Historic or Landmark Sites. Any party who is listed as the owner of record of a historic or landmark structure or historic or landmark site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation the owner is unable to find a buyer willing to preserve such a historic or landmark structure or historic or landmark site, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation. Following the filing of such petition with the secretary of the Commission:

1. The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

2. If, at the end of a period not exceeding three (3) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property in accordance with the procedures contained within Section (7) (A).

3. In the event of such rescission, the Commission shall notify the City Clerk, Building Inspector, City Attorney, and the City Assessor of the rescission, and shall cause the same to be recorded, at its own expense, in the office of the Crawford County Register of Deeds.

4. Following any such rescission, the Commission may not re-designate the subject property a historic or landmark structure or historic or landmark site for a period of not less than five (5) years following a date of rescission, without the owner's permission.

(e) Other Duties. In addition to those duties already specified in this chapter, the Commission shall:

1. Cooperate with the State of Wisconsin Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include historic or landmark structures, historic or landmark sites, or historic districts on The National Register of Historic Places.

2. Develop and recommend programs and legislations and otherwise provide information on aesthetic improvement and historic preservation to the Common Council.

3. Work for the continuing education of the citizens about the aesthetic qualities and the historic heritage of the city.

4. Work for the development and implementation of a city-wide street tree planting program.
5. Accept and raise funds for the purpose of aesthetic improvement and historic preservation in the City. Such funds shall be placed in a special city account for such purpose.
6. Designate appropriate markers for specially designated historic or landmark structures and historic districts.
7. Provide information, when requested, on adaptive re-use concepts and procedures for historic structures.
8. Make an annual report to the City Council regarding its activities.

(7) PROCEDURES.

(a) Designation of Design and Preservation Districts

1. To accomplish the intent of this ordinance, the Design and Preservation Commission may select geographically defined areas within the City of Prairie du Chien to be designated as design and preservation districts by the Common Council. The Commission shall prepare a district plan in ordinance form for each area. Each plan shall include a map of the proposed district, an analysis supporting the significance of the district, a statement of district objectives, and guidelines for reviewing development proposals within the district. A design and preservation district may be designated for any geographic area of particular historic, aesthetic, architectural, or cultural significance to the City of Prairie du Chien in accordance with Section (5).
2. The following aspects are to be considered in the development of design and preservation review guidelines in order to ensure that the exterior reconstruction or altering of existing structures or improvements preserve architecturally important features and that new structures and/or improvements are visually compatible with the buildings and environment with which they are visually related:
 - a. The height and gross volume of new structures.
 - b. The preservation of the style and detail of architecturally important structures.
 - c. The proportion between the width and height in the facades of buildings in street elevations.
 - d. The proportion and relationships between doors and windows in the street façade.
 - e. The design of the roof.
 - f. The materials, texture, colors, and patterns used on the exterior of an improvement.
 - g. The relationship between old structures and contemporary architecture.
 - h. The preservation and enhancement of views of the City from the Mississippi River and from major travel patterns in the City.

3. Review and Adoption Procedures

- a. Design and Preservation Commission. The commission shall hold a public hearing when considering the plan for a design and preservation district. Notice of the time, place, and purpose of such hearings shall be given by publication as a Class 2 Notice under the Wisconsin Statutes and shall also be sent by the City Clerk to the alderman of the Aldermanic District or Districts in which the design and preservation district is located. At least twenty (20) days prior to such hearing, the Commission shall notify the Department of Public Works, the Building Inspector, the Plan Commission, and the Board of Parks Commissioners. Each such department or commission shall respond to the Commission within twenty (20) days of notification with its comments on the proposed district plan. Within ten (10) days following the public hearing, the Design and Preservation Commission shall vote to approve, reject, or withhold action on the plan. This recommendation shall be forwarded to the Common Council.
- b. The Common Council. The Common Council, upon receipt of the recommendation from the Design and Preservation Commission, shall hold a public hearing, notice to be given as directed in Subparagraph 1 above, and shall, following said public hearing, either designate or reject the design and preservation district. Designation of the design and preservation district shall constitute adoption of the plan in ordinance form prepared for the district and direct the implementation of said plan

(b) Designation of Historic or Landmark Structures or Historic or Landmark Sites. Upon completion of the form entitled "Historic or Landmark Structure or Historic or Landmark Site Nomination", the designation of Historic or Landmark Structures and Historic or Landmark Sites shall follow the procedures contained within Section (7) (A) 3 above, with the aforementioned form replacing the plan for a design and preservation commission.

(c) Rescission of Design and Preservation Districts, Historic or Landmark Structures or Historic or Landmark Sites. The rescission of design and preservation districts, historic or landmark structures, and historic or landmark sites shall follow the procedures contained within Section (7) (A) above, with the rescission petition replacing the plan for a design and preservation commission.

(d) Voluntary Restrictive Covenants. The owner of any historic or landmark structures or historic or landmark site may, at any time following such designation of the property, enter into a restricting covenant with the Commission on the subject property. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic or landmark structure or historic or landmark site, and the owner shall record such covenant in the Crawford County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof.

(8) MAINTENANCE OF HISTORIC OR LANDMARK STRUCTURES, HISTORIC OR LANDMARK SITES, AND HISTORIC DISTRICTS. Every owner or agent in charge of an improvement within a design and preservation district, or a historic or landmark site shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.

(9) CONDITIONS DANGEROUS TO LIFE, HEALTH, OR PROPERTY. Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any improvement on a historic or landmark structure or historic or landmark site or in a design and preservation district pursuant to order of any governmental agency or pursuant to any court judgment for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property. In such case, no approval from the Commission shall be required.

(10) PENALTIES FOR VIOLATIONS. Any person violating any provisions of this chapter shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate violation.

(11) SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 3.0 (ZONING DISTRICTS)

3.1 (DISTRICTS – ESTABLISHMENT)

For the purpose of this title, the City is divided into the following zoning districts:

- (A) R-1 Low Density Residential District
- (B) R-2 Medium Density Residential District
- (C) R-3 High Density Residential District
- (D) R-4 Mobile Home District
- (E) B-1 Central Business District
- (F) B-2 Highway Commercial District
- (G) RF River Front District
- (H) I-1 Industrial/Nonmanufacturing District
- (I) I-2 Industrial/Manufacturing District
- (J) PCD Planned Community Development District
- (K) AT Agricultural Transition District
- (L) FW Floodway Overlay District¹⁴
- (M) FF Flood Fringe Overlay District¹⁵

3.2 (DISTRICTS – BOUNDARIES)¹⁶

Boundaries of these districts are established as shown on a map entitled "Zoning Map, City of Prairie du Chien, Wisconsin" which accompanies and is a part of this title. Such boundaries shall be construed to follow: Corporate limits; U.S. Public Land Survey lines; lot or property lines; centerline of streets, highways, alleys,

¹⁴ Section 3.0 – 3.1 (L) - Amended by Ordinance 2010-14

¹⁵ Section 3.0 – 3.1 (M) - Amended by Ordinance 2010-14

¹⁶ Section 3.0 – 3.2 - Amended by Ordinance 2010-14

easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map. The boundaries of the Floodplain Overlay Districts are based on flood profiles for the 1965 high-water for the Mississippi River.

3.3 (VACATION OF STREETS AND ALLEYS)¹⁷

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. Any utility easements shall be reserved unless specifically waived. A processing fee of \$100.00 shall be charged to any applicant requesting vacation of a public street or alley.

3.4 (ANNEXATION AND CONSOLIDATIONS)

Annexations to or consolidations with the City subsequent to the effective date of this ordinance shall be placed temporarily in the AT Agricultural Transition District unless the annexation ordinance places the land in another district.

3.5 (ZONING MAP)¹⁸

A certified copy of the zoning map shall be adopted and approved with the text as part of this title Chapter and shall bear upon its face the attestation of the Mayor and City Clerk and shall be available to the public in the office of the Zoning Administrator. Changes thereafter to the districts shall not be effective until entered and attested to by the Mayor and City Clerk on this certified copy.

3.6 (R-1 LOW DENSITY RESIDENTIAL DISTRICT)

The R-1 District is established to provide areas primarily for low density detached single family homes.

(a) Permitted uses.¹⁹

1. New or relocated single-family detached dwellings providing same have a minimum core living area of at least 24 feet in length by 24 feet in width.
2. Existing single-family dwellings and additions thereto which are in existence and in conformity with the zoning code (this chapter) at the time of the effective date of Ordinance No. 95-11.
3. Family Day Care Homes.

(b) Conditional uses.²⁰

1. Public and semi-public uses.
2. Home Occupations, see Chapter 17, Section 3.18 below
3. Community Living Arrangements
4. Child day care operations
5. The outside storage of more than one of each of the following: building for winter ice fishing, mobile home trailer, camper, utility tractor, two (2) boats or canoes over sixteen (16) feet, race car or other recreational vehicle, provided the above named are owned by the resident or family members.
6. Planned Residential Developments. In order to allow greater flexibility in land use and building design without increasing the intensity of use, the Plan Commission may allow as a conditional use the following variations from the district requirements.
 - a. More than one (1) structure may be placed on a lot provided that the total number of dwelling units permitted in the district (based on the minimum lot area required) is not exceeded. The required land area per dwelling unit shall remain the same, but the requirement may be met by providing the area in commonly owned space.
 - b. The yard requirements between buildings shall be fixed by the Plan Commission. Building setbacks from the perimeter of the site shall comply with front yard, rear yard and side yard requirements of the district.
 - c. Private streets may be approved to serve uses within the site provided that the site proposed for PRD has frontage on a public street.
7. Duplex conversion of large older homes.
8. Utilities.
9. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.

¹⁷ Section 3.0 – 3.3 - Amended by Ordinance 2004-10

¹⁸ Section 3.0 – 3.5 - Amended by Ordinance 790, Ordinance 99-02 and Ordinance 2010-14

¹⁹ Section 3.0 – 3.6 (a) – Amended by Ordinance 2014-29

²⁰ Section 3.0 – 3.6 (b) – Amended by Ordinance 2014-29

10. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.
- (c) Minimum lot area - 6,000 sq. ft.
- (d) Minimum lot width - 60 feet.
- (e) Minimum yard requirements - front 15 ft.; side 8 ft.; corner lot street yard 15 ft.; rear 25 ft.²¹
- (f) Maximum lot coverage - 30%
- (g) Maximum building height. - 3 stories or 35 feet.
- (h) All principal structures must be set on an enclosed concrete, masonry, or treated wood foundation supporting the structure.²²

3.7 (R-2 MEDIUM DENSITY RESIDENTIAL)

The R-2 District is established to provide areas for medium density residential uses.

- (a) Permitted uses.²³
 1. New or relocated, single-family detached dwellings, minimum living area 24 feet in width and 24 feet in length.
 2. New and relocated two-family attached dwellings, minimum living area 24 feet in width and 24 feet in length per unit.
 3. Existing single-family and two-family dwellings and additions thereto which are in existence and in conformity with the zoning code (this chapter) at the time of the effective date of Ordinance No. 95-11.
 4. Family Day Care Homes.
- b) Conditional uses.
 1. Attached (townhouse style) single family dwellings up to eight (8) units per building.
 2. Home Occupations, see Chapter 17, Section 3.18 below
 3. Public and semi-public uses.
 4. Child day care operations.
 5. Additional outside storage (see 3.6(B))
 6. Community living arrangements
 7. Planned Residential Developments (see 3.6 (B))
 8. Conversion of large older homes (homes with original floor area greater than two-thousand (2,000) sq. ft., to more than 2 living units.²⁴
 9. Utilities²⁵
 10. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.
 11. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.
- (c) Minimum lot area
 - One family detached dwellings 6,000 sq. ft.
 - Two family dwellings 8,000 sq. ft.
 - Attached (townhouse style) single family dwellings 10,000 sq. ft.
 - Minimum lot area per dwelling unit
 - Efficiency 1,500 sq.ft.
 - 1 bedroom 2,000 sq.ft.
 - 2 bedroom 2,500 sq.ft. more than 2 bedrooms
 - 550 sq.ft. for each additional bedroom over 2
- (d) Minimum lot width - 80 ft.
- (e) Minimum yard requirements - front 15 ft.; side 8 ft.; corner lot street yards 15 ft.; rear 25 ft.²⁶
- (f) Maximum lot coverage - 35%
- (g) Maximum building height - 3 stories or 35 ft.
- (h) All principal structures must be set on an enclosed concrete, masonry or treated wood foundation supporting the structure.²⁷

²¹ Section 3.0 – 3.6 (e) - Amended by Ordinance 2006-06

²² Section 3.0 – 3.6 (h) - Created by Ordinance 95-11

²³ Section 3.0 – 3.7 (a) - Created by Ordinance 95-11 and amended by Ordinance 2014-29

²⁴ Section 3.0 – 3.7 (b) (8) - Revised by Ordinance 689

²⁵ Section 3.0 – 3.7 (b) (9) - Revised by Ordinance 689

²⁶ Section 3.0 – 3.7 (e) - Amended by Ordinance 2006-06

²⁷ Section 3.0 – 3.7 (h) - Created by Ordinance 95-11

3.8 (R-3 HIGH DENSITY RESIDENTIAL DISTRICT)

The R-3 District is established to provide areas for high density attached single family dwellings and multi-family apartment style dwellings.

- (a) Permitted uses.²⁸
 - 1. Two family attached dwellings
 - 2. Attached (townhouse style) single family dwellings
 - 3. Multi-family apartment buildings
 - 4. Family Day Care Homes
 - 5. Existing one and two family dwellings.
- (b) Conditional uses.²⁹
 - 1. Public and semi-public uses
 - 2. Community living arrangements
 - 3. Home Occupations, see Chapter 17, Section 3.18 below
 - 4. Utilities
 - 5. Planned Residential Developments (see 3.6(B))
 - 6. Child Day Care Operations
 - 7. Residential housing including , but not limited to apartments or similar structures for habitation by the elderly not requiring specialized residential medical or nursing care.
 - 8. New One and two family dwellings.
 - 9. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.
 - 10. The outside storage of more than one of each of the following: building for winter ice fishing, recreational mobile home trailer, recreational camping trailer, recreational motor home, utility tractor, race car or other recreational vehicle, or more than two (2) boats (including canoes) over sixteen (16) feet in length, provided the above is or are owned by the resident or family members.
 - 11. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.
- (c) Minimum lot area –
 - Two family dwelling 8,000 sq.ft.
 - Attached single family dwellings 10,000 sq.ft.
 - Apartment dwellings 12,000 sq.ft.
 - Minimum lot area per dwelling unit for attached housing.
 - Efficiencies 1,000 sq.ft.
 - 1 bedroom 1,500 sq.ft.
 - 2 bedroom 2,000 sq.ft. more than 2 bedrooms 500 sq.ft. each additional bedroom over 2
- (d) Minimum lot width - 80 ft.
- (e) Minimum yard requirements - front 25 ft.; side 1/2 the building height or corner lot street yards 15 ft.; rear 25 ft.
- (f) Maximum lot coverage - 40%
- (g) Maximum building height - 4 stories or 45 ft.

3.9 (R-4 MOBILE HOME DISTRICT)

The R-4 District is established to provide areas for established mobile homes.

- (a) Permitted uses.³⁰
 - 1. Single family mobile homes and single multi-section manufactured dwellings.
 - 2. Existing single-family dwellings (must comply with R-1 standards).
 - 3. Family Day Care Homes
- (b) Conditional uses.³¹
 - 1. Additional outside storage (see 3.6(B))
 - 2. Public and semi-public uses
 - 3. Home Occupations, see Chapter 17, Section 3.18 below
 - 4. Child day care operations
 - 5. Mobile home parks governed by Chapter 12.15 of the City Municipal Code
 - 6. Planned Residential Developments as per Section 3.6.

²⁸ Section 3.0 – 3.8 (a) – Amended by Ordinance 2014-29

²⁹ Section 3.0 – 3.8 (b) – Amended by Ordinance 2014-29

³⁰ Section 3.0 – 3.9 (a) – Amended by Ordinance 2014-29

³¹ Section 3.0 – 3.9 (b) – Amended by Ordinance 2014-29

7. Utilities

(c) Exterior boundary line buffer zone. The outer boundaries of a mobile home development or mobile or manufactured home park shall contain a landscaped buffer zone. This buffer zone shall consist of a green-belt strip, not less than fifteen (15) feet in width, located along all development boundaries. Such green-belt shall be composed of coniferous trees which shall have an ultimate height of at least fifteen (15) feet, and a minimum height when planted of three (3) feet.

(d) Minimum lot area and width. Each mobile/manufactured home not located in a mobile manufactured home park shall be placed on a subdivided lot meeting the following minimum requirements.

Minimum area: 6,000 sq.ft.

Minimum width: 60 ft.

(e) Minimum yard requirements for mobile/manufactured homes not located in a licensed mobile home park or court - Front 15 feet, side not less than 7 feet on each side, rear 15 feet, corner lot setback 15 feet.

(f) Accessory structures shall meet the requirements of Section 2 of this code which regulates the location of accessory structures and uses in all district.

(g) Maximum lot coverage and size regulation for mobile/manufactured homes not located in a licensed mobile home park or court.³²

1. The accumulated occupied area of the mobile/manufactured home and its accessory structures shall not exceed forty percent (40%) of the lot area.

2. Each mobile/manufactured home shall have a minimum size of 700 sq. ft. and a minimum width of 12 ft. and shall be "nondependent" as defined by Section 66.058 (1) (g) of the Wis. Stats.

(h) Recreation. In all developments and in new mobile/manufactured home parks, there shall be one (1) or more recreation areas which shall be easily accessible to all residents. The size of such recreation areas shall not be less than eight percent (8%) of the gross site area. Recreation areas shall be away from traffic hazards and centrally located.

(i) Streets, drives and parking.

1. All dwellings including mobile/manufactured homes not located in a park or court or Planned Residential Development as per Section 3.6 shall front on an opened and improved street, be connected to public utilities and no more than one (1) single or multi-section unit may be placed on a lot. Off street parking shall be provided for each lot as per Chapter 17, Section 4, for single family dwellings.

2. All streets and drives within any mobile home development or mobile/manufactured home parks or PRD shall have an approved cross section with a paved surface of at least twenty-two (22) feet measured from back to back curbs.

3. All individual driveways shall be a minimum of ten (10) feet wide at the property line and maximum of 24 feet wide at the curb line.

(j) Installation and utilities.

1. Mobile/Manufactured home installation and utilities on lots outside a court or park.

a. The mobile/manufactured home shall be anchored and tied down.

b. All mobile/manufactured homes shall have skirting or foundation.

c. Hitches shall be removed from all mobile/manufactured home after placement has been completed on the home site.

d. All new or relocated modular or site-constructed dwellings shall be properly anchored to foundations.

e. All utilities shall be underground.

2. Mobile/Manufactured homes located in mobile/manufactured home parks and courts shall be governed by the requirements of the Wisconsin Statutes and Wisconsin Administrative Code as to placement.³³

(k) Existing Residences. Existing Residences shall meet R-1 District requirements.³⁴

3.10 (B-1 CENTRAL BUSINESS DISTRICT)

The B-1 District is intended to provide for businesses that will aid in restoring and further developing the downtown area as a service, entertainment and trade center.

³² Section 3.0 – 3-9 (g) - Revised by Ordinance 689

³³ Section 3.0 – 3.9 (j) (2) - Created by Ordinance 95-11

³⁴ Section 3.0 -3.9 (k) - Revised by Ordinance 689

(a) Permitted uses. Art and school supply stores; retail printing and publishing shops; automotive servicing and repairs; automotive parts sales stores; automobile sales lots and show rooms and lots including incidental servicing and repair, provided, however, that all vehicles be in operative condition; antique shops; hotels and motels; repair stores; barber shops and beauty parlors; banks and other financial institutions; caterers; clothing repair shops; clinics, medical and dental; department stores; drug stores, dry cleaners, florist shops, food stores; furniture stores; hardware stores; insurance agencies; jewelry stores; laundromats; lumber yards; paint stores (retail only); professional offices; restaurants; tourist information and hospitality centers; variety stores; dance halls; movie theaters; hospitals; charitable or nonprofit institutions and facilities; fraternal clubs and lodges; youth recreational facilities; photo studios; tourist homes; government and cultural uses; residential uses above the first floor; existing residential structures (shall be regulated by R-2 District standards); outside storage when enclosed by a fence or landscaped screen in compliance with Section 5.10 (outside display of recreation and motor vehicles is exempt from this requirement); and any other uses not specifically listed above which are compatible with established uses on adjoining properties.³⁵

(b) Conditional uses. Utilities; churches and cemeteries; funeral homes; public and private elementary and secondary schools; taverns, liquor stores; drive-in type establishment; wholesaling establishments; residential uses on the ground floor.

(c) Minimum lot size. There shall be no minimum lot size within the B-1 District.

(d) Minimum yard requirements.

Front - There shall be no minimum front yard requirement. The required front yard shall be established by the setback of forty percent (40%) or more of the existing structures in the block.

Side - There shall be no minimum side yard requirement.

Rear - Twenty-five (25) feet shall be provided for purposes of loading and unloading, except where the rear yard does not abut a public or private street or alley in which case no rear yard is required.

(e) Maximum building height - 4 stories or 50 feet.

(f) Parking requirement. Consistent with the intent of the City to revitalize the downtown area, there shall be no requirement for providing off-street public parking.

3.11 (B-2 HIGHWAY COMMERCIAL DISTRICT)

The B-2 District is established to provide areas for general business opportunities, highway service business opportunities and businesses requiring land areas not appropriate or feasible in the Central Business District.

(a) Permitted uses. Art and school supply stores; automotive servicing and repairs; automotive parts sales stores; automobile sales lots and show rooms and lots including incidental servicing and repair, provided however that all vehicles be in operative condition; antique shops, hotels and motels; repair stores; barber shops and beauty parlors; banks and other financial institutions; caterers; clothing repair shops; clinics, medical and dental; department stores; drug stores; dry cleaners; florist shops; food stores; furniture stores; hardware stores; insurance agencies; jewelry stores; laundries and laundromats; photo studios; lumber yards; paint stores (retail only); professional offices; restaurants; tourist information and hospitality centers; variety stores; dance halls; movie theaters; hospitals; charitable or non-profit institutions and facilities; fraternal clubs and lodges; tourist homes; government and cultural uses; residential uses above the first floor; existing residential structures (shall be regulated by R-2 District standards); agricultural service; farm equipment sales; mobile home sales; general building contractors; wholesale trade when in combination with a retail business; miscellaneous repair services; bowling alleys; commercial recreation and exercise clubs; recreational vehicle sales; commercial laundry services; landscape and garden services and sales; armory; outside storage (see 3.10(A)); and any other uses not specifically listed above which are compatible with established uses on adjoining properties.³⁶

(b) Conditional uses. Utilities; churches and cemeteries; funeral homes; public and private elementary and secondary schools; adult entertainment establishments; drive-in type establishments; taverns and liquor stores; animal hospitals; residential uses on the ground floor.

(c) Minimum lot area - 8,000 sq. ft.

(d) Minimum lot width - 60 feet

(e) Minimum yard requirements - front 25 ft.; side 10 ft.; corner lot street yards 15 ft.; rear 15 ft.

(f) Maximum lot coverage - 50%

(g) Maximum building height - 4 stories or 45 ft.

³⁵ Section 3.0 – 3.10 (a) - Revised by Ordinance 689 and Ordinance 767

³⁶ Section 3.0 – 3.11 (a) - Revised by Ordinance 689

(h) Screening required. Where the B-2 District boundary adjoins a residential district, a screen or buffer yard as described in Section 5.10 shall be required.

(i) Access review. Accesses for new commercial uses onto state highways shall be reviewed and approved by the Department of Transportation district office prior to issuance of a zoning permit. The Zoning Administrator may waive this requirement when in the opinion of the Zoning Administrator such review is unnecessary. See Section 4.4(B).

3.12 (RF RIVER FRONT DISTRICT)

The RF District is a multi-purpose district that primarily delineates lands in the City of Prairie du Chien that front onto the Mississippi River and its sloughs. This land is considered a unique resource that should be preserved or held for uses that require river frontage or river access. It is also the purpose of this district to hold in open space use those lands found too environmentally sensitive for development. Any development permitted within this district should conform to the recommendations of the City's Master Plan.

(a) Permitted uses. In order to safeguard the potential of the river frontage, there are no permitted uses other than open space uses.

(b) Conditional uses. The following uses may be permitted by the City Plan Commission in compliance with the conditional use provisions of this ordinance, Section 8: Marinas; boat rental, service and storage facilities; restaurants where virtually all patrons sit at tables; rental of vehicles for local touring purposes; train and tour vehicle depots; public camping area; tourist information centers; hotels and motels; private open recreational facilities; utilities; recreational vehicle parks; concession shops (shops without seating selling ice cream, popcorn, and comparable items as the primary use); clamming; industrial uses dependent upon river access.

(c) Minimum lot size - 20,000 sq. ft.

(d) Minimum yard requirements - front 25 ft.; side 15 ft.; rear 25 ft.; shore 50 ft. measured from normal high water 616.2 (U.S.G.S. datum river stage 11) except when determined by the Plan Commission in writing that direct river connection is essential to the proposed use. In such cases, the shore yard requirement may be reduced or laminated.

(e) Maximum building height. Building height shall be established by the Plan Commission as a part of the conditional use approval.

(f) Maximum lot coverage. - 50%

(g) Historical buildings and uses. Buildings and uses that have been listed and approved by the City Council as having local, state or national historical value are exempted from the development standards of this district, upon approval by the City Design & Preservation Commission.

(h) Repealed³⁷

3.13 (I-1 INDUSTRIAL/NONMANUFACTURING DISTRICT)

The I-1 District is established to provide areas for nonmanufacturing, industrial activities that strengthen the City's economy and are not incompatible with other land uses in the City.

(a) Permitted uses.

1. Professional office buildings
2. Computer and business services
3. Medical clinics and hospitals
4. Research and laboratories
5. Public uses and any similar uses not specifically listed above that are consistent with the purpose of this district.

(b) Conditional uses.

1. Utilities
2. Printing and Publishing
3. Wholesale trade and distributing of durable and nondurable goods.

(c) Minimum lot area - 20,000 sq. ft.

(d) Minimum lot width - 100 ft.

(e) Minimum yard requirements - front 25 ft; side 15 ft.; rear 25 ft.

(f) Maximum lot coverage - 50%

(g) Maximum building height - 4 stories or 45 feet.

(h) Screening required. Where the I-1 District boundaries adjoin any residential district boundary, a screen or buffer yard as described in Section 5.10 shall be required.

³⁷ Section 3.0 – 3-12 (h) - Amended by Ordinance 2010-14

3.14 (I-2 INDUSTRIAL/MANUFACTURING DISTRICT)

The I-2 District is established to provide appropriate areas for manufacturing activities that strengthen the City's economy and are not incompatible with other land uses.

(a) Permitted uses.

1. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood, printing and publishing.
2. Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food, instruments, jewelry, pharmaceutical, tobacco, and toiletries, freight terminals and transshipment depots and harbors, inside storage, machine shops.
3. Wholesale trade, general building contractors - heavy construction, special trade contractor, motor freight, transportation and warehousing, miscellaneous repair services and similar uses not specifically listed.

(b) Conditional uses.³⁸

1. Office Buildings
2. Manufacturing and Processing of abrasive, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrin, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of Paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles and varnish; manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast; manufacturing and bottling of alcoholic beverages; bag cleaning, bleachers, canneries, cold storage warehouses; electric and team generating plants; electroplating; enameling; forges, foundries; garbage incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving in the Industrial District, provided they are at least six-hundred (600) feet from Residential Districts.
3. Outside Storage and Manufacturing Areas in the Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen, completely preventing a view from any other property or public right-of-way and shall be at least six-hundred (600) feet from Residential District.
4. Commercial Service Facilities, such as restaurants and fuel stations, in the Industrial District, provided all such services are physically and sales wise oriented toward Industrial District users, and employees and other users are only incidental customers.
5. Utilities.

(c) Minimum lot area - 20,000 sq.ft.

(d) Minimum lot width - 100 ft.

(e) Minimum yard requirements - front 25 ft.; side 15 ft.; rear 25 ft.

(f) Maximum lot coverage - 60%

(g) Maximum building height - 4 stories or 45 feet.

(h) Required buffer strip. Where an I-2 District abuts a Residential Zoning District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District, shall be planted within the outside twenty-five (25) feet abutting the Residential District. The outside twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

3.15 (PCD PLANNED COMMUNITY DEVELOPMENT DISTRICT)

The Planned Community Development District is established to promote improved environmental design and innovative uses of land in the City of Prairie du Chien. To this intent this District allows variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as cohesive

³⁸ Section 3.0 – 3.14 (b) - Revised by Ordinance 689

unified projects. It is further intended to encourage more rational and economic development with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this ordinance and the Master Plan of the City of Prairie du Chien.

(a) Permitted uses. Any permitted or conditional use in any of the other districts in this ordinance may be permitted subject to the criteria listed below, but such conditions or requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this ordinance.

(b) Lot, building, yard and parking requirements. In the Planned Community Development District there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this ordinance.

(c) Criteria for approval. As a basis for determining the acceptability of application for rezoning to the Planned Community Development District, the following criteria shall be applied to the proposed development plan:

1. The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation and topography.
2. The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.
3. The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to insure public safety as determined by the City.
4. The proposed development shall not place avoidable stress on the City's water supply, sanitary sewer and storm water drainage systems.
5. The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

(d) Procedure.

Step 1: Procedure for rezoning

a. The procedure for rezoning to the Planned Community Development District shall be the same as for any other zoning district change, except that in addition a general development plan shall be submitted to the Plan Commission. The general development plan of the proposed project shall be presented at a scale of one (1) inch equals one-hundred (100) feet and shall show at least the following information:

1. The pattern of public and private roads, driveways, and parking facilities.
2. A description of land uses and building types, size, arrangements.
3. A utility feasibility analysis.
4. The location of recreational and open space areas reserved or dedicated to the public.
5. General landscape treatment.
6. The plan for phasing the development.
7. Any other data required by the City Plan Commission.

b. Upon final approval and adoption of the zoning change to the Planned Community Development District, all plans submitted as well as other commitments, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

Step 2: Specific Implementation Plan Approval

a. Detailed plans are not required to be completed at the time the zoning is approved. However, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a Specific Implementation Plan. The applicant shall file the following with the Plan Commission:

1. A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways and parking facilities.
2. The location and treatment of open space areas.
3. The arrangement of building groups other than single family residence and all final landscape plans.
4. Architectural drawings and sketches illustrating the design of proposed structures.
5. A utility plan locating all utility installations.
6. A storm water drainage and erosion control plan.

7. Agreements, by-laws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the Planned Community Development.

b. At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the Specific Implementation Plans they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions or contractual agreements with the City shall be recorded with the Register of Deeds before final issuance of building permits.

(e) Modifications. Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 2 Notice.

3.16 (AT AGRICULTURAL TRANSITION DISTRICT)

The purposes of the AT District are to provide for the orderly transition of agricultural land to other uses in areas planned for eventual City expansion and to ensure that development is compatible with City land use plans and policies.

(a) Permitted uses

1. Beekeeping; dairying; floriculture; orchards; plant nurseries; animal hospitals; truck farming, sod farming; horticulture; grazing; greenhouses; viticulture; paddocks; equestrian trails; nature trails; stables; forest and game management; livestock and poultry raising (except for commercial operations); roadside stands not exceeding one per farm, and similar agricultural uses.

2. Two single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

(b) Conditional Uses.³⁹

1. Mineral extraction operations

2. The storage and sale of seed, feed fertilizer and other products essential to farm production.

3. Housing for seasonal farm laborers

4. More than two single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

5. Utilities.

(c) Lot area requirements. Farm units-minimum 5 acres; Additional farm-related housing-minimum 20,000 sq. ft., maximum 80,000 sq. ft.; Agriculturally-related business uses-minimum 1 acre.

(d) Minimum yard requirements. Additional farm-related housing shall comply with the provisions of the R-1 District. Farm buildings-side 50 ft.; rear 50 ft.

(e) Maximum building height. Two (2) times their distance from adjacent lot lines.

(f) Pre-existing residences in the Agricultural Transition District that do not conform to district standards may be continued in residential use and are not subject to the limitation of Section 7.0 Nonconforming Uses, however, are subject to R-1 District Regulations.

3.17 (FLOODPLAIN OVERLAY DISTRICTS)⁴⁰

Repealed.

3.18 (HOME OCCUPATIONS)⁴¹

(1) PURPOSE. The purpose of this ordinance is to regulate the owners and operators of home-based businesses to ensure compliance of such businesses with this code.

(2) DEFINITIONS. For the purposes of this section, the following definitions shall be applied.

(a) "Heavy equipment" means backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts or similar like equipment.

(b) "Home-based business" means any business that is a home occupation in a residential district or a portion of a district governed by residential zoning requirements.

³⁹ Section 3.0 – 3.16 (b) (5) - Revised by Ordinance 689

⁴⁰ Section 3.0 – 3.17 - Amended by Ordinance 2010-14

⁴¹ Section 3.0 – 3.18 – Created by Ordinance 2014-29

(c) "Home occupation" means any gainful occupation conducted in a residential structure which meets all of the following conditions:

1. Employees. Only occupants of the home or no more than one (1) non-occupant as a conditional use permit.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Day care and home care are exempt from the 25% gross floor area requirement.
3. No home occupation shall be conducted in more than fifty (50) percent of accessory buildings, unless approved with a conditional use permit.
4. All sales in connection with such home occupation shall be clearly related to the service provided.

(d) "Professional home offices" shall be defined, for the purposes of this section, in terms of the following two categories: residences of doctors or medicine, dentistry, architects, land architects, professional engineers, registered land surveyors, accountants, investment advisors, lawyers and insurance and real estate brokers; and residences of other recognized professions and occupations of a service or craft character in which the work space does not exceed fifty percent (50%) of the area of only one floor of the residence and no more than one (1) non-resident person is employed. If under twenty-five percent (25%) no conditional use permit is required. If over fifty percent (50%), no conditional use permit may be allowed.

(e) "Visible" shall be defined as parked on the driveway or on the street.

(3) IMPACT ON NEIGHBORS.

- (a) No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (b) No home occupation may have deliveries to or from the dwelling more than once in any one month or four times in any 12-month period by truck tractor trailer having a combined maximum vehicle and load weight limit in excess of 10,000 pounds or trailers requiring a license to be operated on highways in the state. This delivery restriction does not apply to step van vehicles such as United Parcel Service or Federal Express vehicles.
- (c) No equipment/process that creates visual/audio electrical interference.
- (d) There shall be no noise, fumes, glare or vibrations generated by the home occupation which have a detrimental effect on neighboring properties.
- (e) There shall be no visual external display of products on the premises.
- (f) There shall be no external evidence of the home occupation, with the exception of signage.
- (g) No combustibles, oxidizers or other potentially dangerous supplies or equipment shall be stored on the premises, unless locked in a metal locker, designed for storage of same.

(4) **SIGNAGE.** No advertising sign of any character shall be permitted for any home-based business, except for one non-illuminated sign, not exceeding four (4) square feet in area.

(5) **VEHICLES.** Only one (1) vehicle whose primary use is associated with the Home Occupation, and is licensed and registered to the owner of the Home Occupation, may be visible.

(6) **ZONING REQUIREMENTS.** Home Occupation shall only be conducted in a Residential Zoning District or in Duplex or Multi-Family zoned districts, where it shall be considered a conditional use with the owner /landlord's written approval or authorization and/or as a condition of the lease/contract.

(7) **HOME OCCUPATIONS ALLOWED.** When within the above requirements, a home occupation includes, but is not limited to, the following:

- (a) Licensed Childcare Operation with less than four (4) children present at any one time
- (b) Computer Sales and Consultation
- (c) Computerized Sign Making
- (d) Draperies, Tailors and the like
- (e) Insurance, Accounting and/or Investment Office
- (f) Telecommunications Office
- (g) Telemarketing Office

(8) **HOME OCCUPATION PERMITS.** The following may be permitted uses providing annual inspections are made of the premises to determine and evaluate Health Safety, Public Welfare and Neighborhood Property

Considerations. These conditional use permits shall be brought to the Plan Commission. All Conditional Use Permits issued to Home Occupation uses shall be subject to the fees established by the Plan Commission. An initial Conditional Use Permit shall be reviewed by the Plan Commission at the first regularly-scheduled meeting held after one year has passed from the issuance of the initial Conditional Use Permit, for the purpose of determining whether the home-based business is meeting the conditions of this code and any additional requirements of the Conditional Use Permit. A Conditional Use Permit may not be transferable due to the sale of the property or transfer of said property to another person, firm, corporation or legal entity.

- (a) Professional Home Offices
- (b) Any home occupation with a non-occupant employee
- (c) Any home occupation in a Duplex or Multi-Family Zoned District (R-2, R-3 or R-4)
- (d) Any home occupation not defined in Section 7 above

(9) NOT ACCEPTABLE AS HOME OCCUPATIONS. The following shall not be acceptable as home occupations.

- (a) Auto or Light Truck Repair
- (b) Auto or Light Truck Sales
- (c) Welding or Metal Working Shops
- (d) Any and all businesses that would store or park heavy equipment on residential property.
- (e) Restaurants
- (f) Households holding rummage sales more than four (4) times per year.
- (g) Machine, tool and die, or similar type shops.
- (h) Heating, ventilation, air conditioning or similar businesses.
- (i) Any other uses or occupation that would have negative impact on the neighborhood and property values, or affects the health, safety and welfare of adjacent residents.

(10) STATE AND FEDERAL LAWS APPLICABLE. All Home Occupations shall comply with applicable State and Federal laws, rules and regulations and prior to the issuance of a Home Occupation Permit, the applicant shall furnish proof of compliance.

SECTION 4.0 (TRAFFIC, PARKING AND ACCESS)

4.1 (INTERSECTION VISIBILITY REQUIREMENTS)

At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to impede more than fifteen percent (15%) of the vision area between a height of two and one-half (2 1/2) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the street lines (curbs) and a line joining points along said street lines twenty five (25) feet from the point of intersection. In the case of major streets and highways intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

4.2 (LOADING REQUIREMENTS)

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering to do so, or unloading are completely off the public ways. Existing uses are exempted from this requirement.

4.3 (PARKING REQUIREMENTS)⁴²

In all districts, except B-1 Central Business District, and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access - driveways. Adequate access to public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles and two ten (10) feet lanes for parking lots for ten (10) or more vehicles. No driveway may be closer than two (2) feet to an abutting property line other than a street line, with the exception that on a lot where the side yard distance to the principal structure is less than fifteen (15) feet or where two adjacent lots have a common driveway serving both and it is established by recorded mutual easement, then the two (2) foot minimum distance shall not apply.⁴³

⁴² Section 4.0 – 4.3 - Revised by Ordinance 97-04

⁴³ Section 4.0 – 4.3 (a) - Repealed and recreated by Ordinance 806 and amended by Ordinance 2014-27

- (b) Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than four-hundred (400) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place or public assembly.
- (c) Size of spaces. Each parking space shall be a minimum of nine (9) feet wide and a minimum of eighteen (18) feet deep exclusive of the space required for ingress and egress, except for end parking spaces which shall be a minimum of seven and one-half (7 1/2) feet wide and a minimum of eighteen (18) feet deep exclusive of the space required for ingress and egress. Location to be on the same lot as the principal use or not over four-hundred (400) feet from the principal use. Proof of ownership or long-term lease agreements shall be filed with zoning permit application.
- (d) Lighting. Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent residential property.
- (e) Screening of on-grade parking areas. When a required off-street parking area for four (4) cars or more is located within fifteen (15) feet of any lot line or a public right-of-way line in any district, a buffer yard or screen shall be required in accordance with Section 5.10.
- (f) Designated parking areas. Vehicle parking shall only be permitted in designated parking areas approved in the issuance of a zoning permit. Expansion of existing parking areas requires issuance of an approved zoning permit.
- (g) Landscaped islands shall be required at the ends of parking bays to clearly define lane and turning patterns.
- (h) Surfacing. All off-street parking areas shall be paved except for public parking areas located in an RF (River Front) zoning district. Any parking areas for more than five (5) vehicles shall have the aisles and spaces clearly marked.⁴⁴
- (i) Curbs and barriers shall be installed so as to prevent the parked vehicles from extending over any lot line or required sidewalks.
- (j) Minimum number of parking stalls required:
- Single-family dwellings - 2 stalls for each dwelling unit
 - Mobile homes - 2 stalls for each dwelling unit
 - Multi-family dwellings - 1.5 stalls for each dwelling unit except for housing devoted exclusively to elderly residents
 - Hotels, motels - 1 stall for each guest room plus 1 stall for each 2 employees per working shift.
 - Sororities, dormitories, boarding houses and similar group housing quarters - 1 stall for each 2 persons plus 1 stall for each 3 employees per working shift
 - Nursing homes - 1 stall for each 5 beds plus 1 stall for each 3 employees per working shift
 - Medical and dental clinics - 3 stalls for each doctor and offices
 - Churches, theaters, community centers and other places of public assembly - 1 stall for each 5 seats
 - Schools (elementary and secondary) - 2 stalls for each classroom
 - Restaurants, bars, places of entertainment - 1 stall for each 200 square feet of primary floor area.
 - Funeral homes - 1 stall for each 4 seats plus 1 stall for each vehicle used in the business.
 - Bowling alleys - 5 stalls per alley
 - Retail and service commercial - 1 stall for each 250 square feet of primary floor area
 - Manufacturing and processing plants, laboratories and warehouses - 1 stall for each 2 Employees
 - Financial institutions; business, governmental and professional offices - 1 stall for each 300 square feet of primary floor area
- (k) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (l) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (m) Parking exemption in Central Business District. In order to encourage and stimulate the revitalization in the Downtown area of Prairie du Chien, uses within the Central Business District are exempted from the minimum number of parking stalls required in this section. Where parking is voluntarily provided, it shall meet the development standards of this section.

⁴⁴ Section 4.0 – 4.3 (h) - Amended by Ordinance 806

(n) Primary floor area. In determining required parking area ratios, the floor measurements shall be taken to include only service, sales and office space, and shall not include warehouse, utility and other accessory space which does not generate parking demand.

(o) Parking or storage of trucks, trailers and equipment. No truck, commercial trailer, or other vehicular equipment or implements of a commercial, agricultural or industrial nature or house trailer, mobile home, manufactured home, motor home or camp trailer shall be parked or stored regularly on lots located in districts zoned R-1, R-2, R-3 or RF, except as hereinafter specifically provided for as follows:

1. One (1) panel and one (1) pickup truck, neither to exceed one and one-half (1 1/2) tons, shall be permitted.
2. The unenclosed storage parking of either one (1) unoccupied recreational house trailer or one (1) unoccupied recreational camping trailer or recreational mobile home in the rear yard, provided that the said house trailer, camping trailer or motor home is parked at least five (5) feet inside the minimum side yard requirements and further provided the vehicle is owned by the resident or family members.
3. Occupied recreational trailers and occupied recreational motor homes shall not be permitted to park for a period exceeding five (5) consecutive days nor more than a total of 20 calendar days a year on a lot containing a principal residential structure. Occupied recreational motor homes and recreational camping trailers shall be prohibited on vacant lots without a principal structure, unless in a licensed campground or recreational vehicle park or in areas specifically designated for camping.
4. All land in the I-2, AT, B-1 and B-2 Districts are exempt from this provision.

4.4 (HIGHWAY ACCESS)

(1) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

(2) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (a) Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within fifteen hundred (1500) feet of the most remote end of the turning lanes.
- (b) Arterial street intersecting another arterial street within one-hundred (100) feet of the intersection of the right-of-way lines.
- (c) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways. See Section 4.1, traffic visibility.
- (d) Access to the above rights-of-way may be granted by the City Plan Commission after review and approval in accordance with Section 9.0 Plan Review.

SECTION 5.0 (GENERAL PERFORMANCE STANDARDS)

5.1 (COMPLIANCES)

All land uses and activities, unless otherwise specified, in the City of Prairie du Chien established after the effective date of this ordinance shall comply with the following standards.

5.2 (AIR POLLUTION)

No activity shall emit any fly ash, dust, fumes, vapors mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.

5.3 (FIRE AND EXPLOSIVE HAZARDS)

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. Such activities shall be located and managed in a manner so as not to endanger any adjoining properties or the public in general. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

5.4 (GLARE AND HEAT)

No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the Industrial District which may emit direct or sky reflected glare which shall not be visible outside the district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

5.5 (LIQUID OR SOLID WASTES)

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property. No such wastes shall be stored in the City for a period longer than three (3) months.

5.6 (NOISE)

No activity shall produce a sound level extending outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second) - Sound Level (Decibels)

0 to 75 - 72

75 to 150 - 67

150 to 300 - 59

300 to 600 - 52

600 to 1200 - 46

1200 to 2400 - 40

2400 to 4800 - 34

Above 4800 – 32

All noise shall be muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness. Sirens, whistles, horns, power speakers and bells which are maintained and utilized solely to serve a public emergency purpose are exempt from the sound level standards of this ordinance.

5.7 (ODORS)

No activity shall emit any odorous matter of such nature or quantity to be offensive, obnoxious, or unhealthful outside their premises.

5.8 (RADIOACTIVITY AND ELECTRICAL DISTURBANCES)

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

5.9 (UNSUITABLE LAND RESTRICTIONS)

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the City Zoning Administrator or Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. In applying this provision, the City may deny or condition the granting of a zoning permit. The City shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting such unsuitability to the Board of Zoning Appeals in compliance with the requirements of Section 9.

5.10 (REQUIRED SCREENS AND BUFFERS)

(1) Where screens or buffers are required by this ordinance or by the Plan Commission to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.

(2) **BUFFER YARDS.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Plan Commission or Zoning Administrator. The minimum width shall be ten (10) feet. All buffer yards shall be attractively landscaped and kept free of debris, weeds and tall grass. No structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer yard. Maintenance of buffer yards shall be the continuing obligation of the owner of the property.

(3) SCREENS. Screens are barriers located in a limited space ten (10) feet or less intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms, or similar techniques. Plant screens shall be sufficient to provide a year-round screen within two (2) years of installation. Walls or earth berms shall be required where noise reduction necessary. Screen plantings shall be permanently maintained by the owner of the property and any plant materials which do not live shall be replaced within six (6) months. The height of walls and fences shall be regulated by the provision of Section 2.6 (B).

SECTION 6.0 (SIGNS)

6.1 (PURPOSE)

The purpose of this section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the City Limits of the City of Prairie du Chien. This section recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication. This code authorizes the use of signs visible from public rights-of-way, provided the signs are:

- (a) Compatible with the Zoning Regulations as set forth in this Chapter.
- (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (c) Legible, readable and visible in the circumstance in which they are used.
- (d) Respectful of the reasonable rights of others and of other advertisers whose messages are displayed.

6.2 (ADMINISTRATION)

The Zoning Administrator shall administer this section and is referred to herein as the Sign Inspector.

6.3 (DEFINITIONS AND DISTRICT CLASSIFICATIONS)

(1) Definitions adopted for reference in this Section are as follows:

- (a) Abandoned Sign - A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product.
- (b) Area of Copy/Gross Area - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement or decoration of a wall sign.
- (c) Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled.
- (c) (1) Banner - Any sign printed or displayed upon cloth or other flexible material without rigid backing.⁴⁵
- (d) Billboard - See "Off Premises Signs"
- (e) Building Fascia - That portion of a building which is parallel or nearly parallel to the abutting roadway.
- (f) Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.
- (g) Canopy Sign - Any sign attached to or constructed in, on or under a canopy or marquee. For the purpose of this section, canopy signs shall be controlled by the rules governing projecting signs.
- (h) Changeable Message Sign - A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as a part of it, a changeable message sign.
- (i) Directional Sign - Any sign which serves to designate the location of or direction to any place or area.
- (j) Double-faced Sign - A sign with copy on two faces, facing in different directions.
- (k) Electric Sign - Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- (l) Electric Sign Contractor - A person, partnership, or corporation which, in the normal course of business, frequently installs and maintains electric signs.
- (m) Electronic Message Sign - A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.

⁴⁵ Section 6.0 – 6.3 (1) (c) (1) - Amended by Ordinance 2012-07

- (n) Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent, flashing or rotating light by means of animation, or an eternally mounted intermittent light source, not including changeable message signs.
- (o) Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- (p) Ground Sign - A sign erected on one or more free-standing supports or uprights and not attached to any building.
- (q) Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
- (r) Legal Nonconforming Sign - A nonconforming sign that did meet code regulations when it was originally installed.
- (s) Nonconforming Sign - A sign that does not meet code regulations.
- (t) Portable Sign - Any sign not permanently attached to the ground or a building.
- (u) Off-Premises Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.
- (v) On-Premises Sign - Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.
- (w) Projecting Sign - A sign, normally double-faced, which is attached to and projects from a structure or building fascia. The area of projecting signs is calculated on one face only.
- (x) Roof Sign - A sign erected upon, against or above a roof.
- (y) Sandwich Sign - A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near a roadway.
- (z) Shopping Center - A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shapes to the trade area which the unit serves.
- (aa) Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.
- (ab) Sign Contractor - Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs.
- (ac) Sign Inspector - That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this code. The Zoning Administrator is herein referred to as the Sign Inspector.
- (ad) Sign Structure - Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
- (ae) Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (af) Temporary Sign - A sign that is temporary in nature (not to exceed 30 days in existence).
- (ag) Wall Sign - A sign attached to the wall of a building with the face in a parallel plane of the building wall. This includes signs painted directly on a wall.
- (ah) Window Sign - A sign installed on a window for the purposes of viewing from outside the premises.

(2) Zoning Districts referenced in this Section are:

- (a) R-1 Low Density Residential
- (b) R-2 Medium Density Residential
- (c) R-3 High Density Residential
- (d) R-4 Mobile Home District
- (e) B-1 Central Business
- (f) B-2 Highway Commercial
- (g) I-1 Industrial Non-Manufacturing
- (h) I-2 Industrial Manufacturing
- (i) RF Riverfront
- (j) PCD Planned Community Development District
- (k) AT Agricultural Transition

6.4 (PERMITS REQUIRED)

It shall be unlawful for any person to erect, construct, enlarge, relocate or structurally modify a sign or cause the same to be done in the City of Prairie du Chien without first obtaining a sign permit for each such sign from the Zoning Administrator as is required by this section. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

6.5 (APPLICATION FOR A PERMIT)

Application for a Permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:

- (a) Name and addresses and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor involved in the project.
- (b) Identification of the subject location of the sign including Zoning District.
- (c) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size dimensions and kind of materials to be used in such structure.
- (d) A site plan showing the building on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.
- (e) Such other information as the Sign Inspector may require to show full compliance with this and all other applicable laws of the City of Prairie du Chien.
- (f) Signature of the applicant and owner if not the applicant.
- (g) Fee Receipt for required permit fees.

6.6 (FEES FOR SIGN PERMITS)⁴⁶

\$25.00 plus \$.02 per square foot.

6.7 (PERMIT ISSUANCE AND DENIAL)

The Sign Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Prairie du Chien when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the City of Prairie du Chien. If the sign permit is denied by the Sign Inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial along with the return of all permit fees and papers.

6.8 (APPEALS)

(1) Appeals may be filed in accordance with Chapter 17, Section 10 of this Code.

(2) The Sign Inspector's failure to either formally grant or deny a sign permit within five days of the date an application meeting the requirements of this section is filed, shall be cause for appeal to the Zoning Board of Appeals.

6.9 (CONSTRUCTION SPECIFICATIONS)

(1) All signs shall comply with the provisions of the City of Prairie du Chien Zoning Code and the additional construction standards hereinafter set forth.

(2) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.

(3) Electric service to ground signs shall be concealed wherever possible.

6.10 (GENERAL DESIGN REQUIREMENTS)⁴⁷

(1) Any ground sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of 10' feet between the bottom of the sign and grade at the right-of-way line or shall be not more than 3 feet in height.

(2) Canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of 8 feet.

⁴⁶ Section 6.0 – 6.6 - Amended by Ordinance 2004-10

⁴⁷ Section 6.0 – 6.10 - Recreated by Ordinance 2012-21

- (3) Projecting signs may extend not further than eight feet from the building to which they are attached, nor be less than 10 feet, bottom of sign to grade.
- (4) No sign structure may be located in the public right-of-way.
- (5) A roof sign may not extend more than 15' feet above the highest point of the roof on which it is installed, or the height limit for ground signs, whichever is less.
- (6) The gross area of permanent window signs shall not exceed 50% of the gross window area of any given building fascia.
- (7) Any sign location that is accessible to vehicles shall have a minimum vertical clearance of 16 feet.
- (8) No sign facing a Residential Zoned District shall be closer than 25 feet to that district line.

6.11 (INSTALLATION AND MAINTENANCE SAFETY)

All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This section recognized that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Sign Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Sign Inspector may also cite the sign contractor for a violation of this ordinance if he fails to use proper equipment in the maintenance of signs.

- (a) Every sign, including but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
- (b) The Sign Inspector shall require compliance with all standards to this section. If the sign is not maintained to comply with the standards outlined in this section, the Sign Inspector shall require its removal in accordance with this section.

6.12 (REMOVAL AND DISPOSITION OF SIGNS)

(1) **ABANDONED SIGNS.** At the termination of a business, commercial or industrial enterprise, all signs shall, within thirty (30) days, be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings. If the owner fails to remove the sign, the Sign Inspector shall give the owner thirty (30) days written notice to remove said sign. Upon failure to comply with this notice, the City of Prairie du Chien may cause removal to be executed, the expenses of which will be assessed to the tax roll listing of the property on which the abandoned sign is located.

(2) **DETERIORATED OR DILAPIDATED SIGNS.** The Zoning Administrator shall cause to be removed, any deteriorated or dilapidated signs under the provisions of Wisconsin Statute 66.05.

(3) A sign illegally placed on any public property shall immediately be removed and destroyed by the City and its cost of removal and destruction shall be charged to the party who placed the sign.⁴⁸

6.13 (LEGAL NON-CONFORMING SIGNS)

(1) Signs lawfully existing at the time of the adoption or amendment of this section may be continued, although the use, size or location does not conform with the provisions of this section, however, shall be deemed nonconforming uses or structures and the provisions of Section 7.0 shall apply.

(2) **MAINTENANCE AND REPAIR.** Nothing in this section shall relieve the owner or user of a legal non-conforming sign or the owner of the property on which the sign is located from the provisions of this section regarding safety, maintenance and repair of signs.

6.14 (PROHIBITED SIGNS)

The following signs shall be prohibited within the City of Prairie du Chien:

- (a) Abandoned Signs

⁴⁸ Section 6.0 – 6.12 (3) - Created by Ordinance 2012-07

(b) Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited. Any sign with lighting detrimental to traffic visibility or safety is prohibited.

(c) Swinging Signs over 50 square feet in area.

(d) Signs which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

(e) Signs which are an imitation of, or resemble in shape, size, copy or color, an official traffic sign or signal.

(f) Advertising Vehicles. No Person shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

6.15 (SIGNS NOT REQUIRING A PERMIT)

(1) CONSTRUCTION SIGNS. Two construction signs per construction site, not exceeding 100 square feet in area each, confined to the site of construction. Such Sign shall be removed within thirty days after completion of construction or prior to occupancy, whichever is sooner.

(2) DIRECTION AND INSTRUCTIONAL NON-ELECTRIC SIGNS, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

(3) Non-illuminated emblems or insignias of any nation or political subdivision, profit or non-profit organization, less than ten (10) square feet each in area.

(4) GOVERNMENT SIGNS. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

(5) HOME OCCUPATION SIGNS. Signs associated with the home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area.

(6) HOUSE NUMBERS AND NAME PLATES. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.

(7) INTERIOR SIGNS. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however exempt such signs from the construction, maintenance and safety sections of this section.

(8) MEMORIAL SIGNS AND PLAQUES. Memorial Signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material, which do not exceed four (4) square feet in area.

(9) NO TRESPASSING OR NO DUMPING SIGNS. No trespassing and no dumping signs not to exceed four (4) square feet in area.

(10) PUBLIC NOTICES. Official notices posted by public officers or employees in the performance of their duties.

(11) PUBLIC SIGNS. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.

(12) POLITICAL AND CAMPAIGN SIGNS. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

(a) Said signs may be erected not earlier than forty-five (45) days prior to the election and shall be removed with five (5) days following said day of voting.

- (b) Each sign, except billboards, shall not exceed nine (9) square feet in non-residential zoning districts and six (6) square feet in residential zoning districts.
- (c) No sign shall be located within fifteen feet of the public right-of-way, a street intersection nor on or over the right-of-way.

(13) REAL ESTATE SIGNS. One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

- (a) In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.
- (b) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.

(14) TEMPORARY WINDOW SIGNS. In business, commercial, and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 75% of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs may not be posted for a period longer than forty-five (45) days.

(15) ON-PREMISES SYMBOLS OR INSIGNIAS. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

(16) ON-PREMISES TEMPORARY SIGNS. Such signs not exceeding thirty-two (32) square feet in area pertaining to special events provided such signs comply with the following:

- (a) Such signs may not be posted more than thirty (30) days before an event and removed within 2 days after the close of the event.
- (b) Such signs must be located as so not to obstruct the visibility from any intersection or driveway.
- (c) Such signs must be adequately supported and anchored.
- (d) Such signs must not be located in any street or alley right-of-way.⁴⁹

(17) VEHICULAR SIGNS. Truck bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

(18) NEIGHBORHOOD IDENTIFICATION SIGNS. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

6.16 (SPECIAL SIGNS)

The following signs may be allowed with a special permit issued by the Zoning Administrator:

- (a) Subdivision or Development Signs. A temporary sign any Zoning District in connection with the marketing of lots or structures in a subdivision or development subject to the following restrictions:
 1. Such permits may be issued for a period of not more than one (1) year and may be renewed for additional periods of up to one (1) year upon written application at least 30 days prior to expiration.
 2. Signs as used in this section refer to all types of signs except those excepted or prohibited by this ordinance.
 3. The sign must be located on the property being developed and must comply with all applicable building setback requirements for the district.
 4. The sign may not exceed thirty-two (32) square feet.
 5. One sign is allowed for each five acres of the subdivision or development with a maximum of one sign if the subdivision or development is under 5 acres.
- (b) On Premises Banners and Other Promotional Accessories. Promotional accessories such as searchlights, symbols, displays, portable stands, pennants, etc., may not be used on a permanent basis provided such banners and promotional accessories comply with the following:
 1. In residential districts, such promotional accessories may be used in conjunction with an open house or model home demonstration, an auction services conducting an auction or on the premises of an approved "Conditional Use" in the district for special events for up to 5 days before the opening of such demonstration or event and must be removed within 2 days of the

⁴⁹ Section 6.0 – 6.15 (16 (d) - Amended by Ordinance 98-12

close of such demonstration or event and may not be displayed for more than thirty consecutive days.

2. In business and industrial districts, such promotional accessories will be allowed for special sale promotions, grand opening celebrations, etc. not to exceed a period of 30 days.

3. All such devices and accessories must be located on the premises not encroach onto any street or alley right-of-way and be located in a manner that will not obstruct visibility at any intersection or driveway.

(c) Off Premises Unlighted Special Event Signs and Banners. Off premises unlighted event banners not exceeding one hundred square feet and off premises temporary event signs not exceeding thirty-two square feet may be allowed in B-1, B-2, I-1, I-2 and RF Districts with a special permit issued by the Zoning Department. No sign or banner shall be taller than 8 feet measured from the ground to the top of sign or banner. Temporary event signs and banners are to be located on no more than four locations per event and no more than one sign or one banner per location. No temporary event sign or banner to be located on any property zoned residential or being used for residential purposes. No temporary event signs or banners to be placed on, over, or within the public right-of-way or within the vision triangle as defined by the ordinance.⁵⁰

1. Over the Street Banners

a) An over the street banner is defined as a flexible, horizontal sign with rope or cable supports across an entire roadway.

b) The lowest portion of the banner located over any street may not be lower than seventeen (17) feet above the traveled portion of the roadway over which the banner is located.

c) The event sponsor must obtain authorization from the utility company controlling any posts to which the banner is attached.

d) No over the street banners are allowed over any roadway that is part of the state trunk highway system or a connecting highway.

e) Over the street banners are prohibited except with special permission from the City Council in consultation with the Plan Commission and Board of Public Works and with a special sign permit issued by the Zoning Administrator. Proof of insurance for any over the street banner must be filed with the City Administrator's Office prior to the erection of any such banner or sign.

2. Temporary Event Banners and Signs Located on Private Property.

a) Event banners and signs located on private property must be erected in a manner that will not obstruct visibility from any intersection or driveway and shall be secured to prevent the banner or sign from extending into any public way. No temporary event signs or banners to be located within 200 feet of the right-of-way of Blackhawk Avenue between Marquette Road and St. Feriole Island.

b) Authorization of the owner of the property must be submitted with application for temporary sign or banner. No temporary event sign or banner shall be located on public property without special permission to use the public property from the City Administrator. Although granted permission from the City Administrator to use the public property in this way, an applicant for a temporary sign must still secure a special sign permit issued by the Zoning Administrator and comply with all requirements of this chapter. Nothing in this ordinance shall prohibit the City from placing banners and signs on City property for City sponsored events.

c) No temporary event sign or banner shall be erected that advertises an event held outside the corporate limits of the City without special permission from the Common Council.

3. No temporary event banners or signs may be displayed more than 30 calendar days before an event and temporary banners, signs and sign mounting structures and/or cables must be removed within 2 calendar days of the close of the event.

4. If a temporary event banner is placed in violation of this ordinance, it shall be removed within 12 hours of notification by the Police Department. For each day, the violation is not corrected, a fine of \$75 per day shall be levied. In the event that the sign is not removed within 10 days of the notice, the sign shall be removed and destroyed by the City and, in addition to the daily fine imposed, its cost of removal and destruction shall be charged to the party who placed the sign and to the owner upon whose property the sign is located. In addition, if the event being

⁵⁰ Section 6.0 – 6.16 (c) - Re-created by Ordinance 2012-07

advertised is located on City-owned property, the special event permit shall be revoked if compliance is not achieved by the end of the first five days. Each sign in violation shall be considered a separate violation.

6.17 (SIGNS PERMITTED BY ZONING DISTRICTS)

Subject to the following:

(a) Residential Districts R-1 - Low Density Residential, R-2 Medium Density Residential, R-2 Medium Density Residential, R-3 High Density Residential and R-4 Mobile Home Districts.

1. Permitted Signs

(a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.

(b) Special Signs authorized by the Zoning Administrator.

(c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall be limited to an area not exceeding six (6) square feet. Such sign shall not be closer to the ground than three (3) feet and shall not extend higher than six (6) feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of Sec. 6.17(B) (1) (f).

2. Signs Permitted by Variance Approval by the City Plan Commission.

(a) Business Identification signs for Conditional Uses or for existing non-conforming uses based on the following:

1. Wall signs and directional signs and one ground sign per street

2. Area restrictions of twenty-four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a building fascia facing a right-of-way.

3. Height Restrictions: Ground signs are not to exceed a height of six (6) feet.

4. Setbacks: All ground signs must be at least ten (10) feet from interior side of rear lot lines and completely outside the public right-of-way.

(b) Off-premises signs providing there is compliance with requirements of Section 6.17 (1) (f).

3. Prohibited Signs.⁵¹

(a) Electronic Variable Message Signs (EVMS).

1. For the purpose of this section, an EVMS shall be defined as a sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means.

2. Existing signs may be replaced or repaired as long as the size of said sign is not increased or the illumination is not increased.

(b) Commercial and Industrial Zoning Districts, B-1 Central Business, B-2 Highway Commercial, I-1 Industrial non-manufacturing I-2 Industrial Manufacturing.⁵²

1. Permitted Signs

(a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.

(b) Special Signs authorized by the Zoning Administrator.

(c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in Section 6.17 A (1) (c).

(d) Wall, window, Marquee, Directional, Canopy, Ground Signs, Projecting or Roof Signs, in connection with permitted, conditional or legal non-conforming uses in the Zoning District, subject to the following restrictions and regulations:

1. One projecting or roof sign per frontage road.

2. The area of projecting signs or roof signs may not exceed four (4) square feet per lineal foot of lot frontage to a maximum of 500 square feet.

⁵¹ Section 6.0 – 6.17 (a) (3) - Created by Ordinance 2013-02

⁵² Section 6.0 – 6.17 (b) - Recreated by Ordinance 2012-20

3. Height restrictions. Ground and projecting signs may not exceed forty (40) feet in height.
 4. Spacing. Projecting signs may be spaced no closer than twenty-five (25) feet from the nearest projecting sign.
 5. Projecting signs must be a minimum of 10' from the bottom of the sign to grade.
- (e) Shopping Center Signs subject to the following restrictions and regulations:
1. One shopping center identification sign with the height limitation of forty (40) feet is permitted. If shopping center is on a corner, either one corner sign or two signs, one on each street may be permitted. If two signs are installed, they must be placed at least 200 feet from the lot corner of the intersection.
 2. Area Restriction for shopping center identification signs are based on two (2) square feet of sign area per lineal foot of lot frontage.
 3. Ground signs including shopping center identification signs and directional signs must be set back at least ten (10) feet from the right of way line of abutting streets.
 4. Tenant wall, window and marquee signs are permitted such signs are limited to eight (8) square feet per lineal foot of building frontage, not to exceed 500 square feet in area.
- (f) Off-Premises Signs are permitted subject to the following restrictions and regulations:
1. A maximum of two (2) off-premises signs per property may be permitted provided the signs do not face residences located in a residential zoning district, or are placed outside the minimum building and landscape setback requirements as required in the zoning code for the district in which the sign is located.
 2. Off-Premises Signs may not exceed three hundred (300) square feet in area per sign, including border and trim, but not including border and trim, but not including uprights.
 3. Off-premises signs may not be spaced closer than three hundred (300) feet apart, facing the same directions; measurements shall be taken along the right-of-way of the abutting roadway.
 4. Off-premises signs shall be minimum of 75 feet from an occupied residential dwelling when facing said residential dwelling.
 5. Off-premises signs may not exceed thirty (30) feet in height from grade to the top of sign structure. Minimum distance from grade to the bottom of the sign is eight (8) feet.
 6. No off premises signs will be permitted on Marquette Road the area located south of Park Street and north of Parrish Street in the City of Prairie du Chien.
 7. Off-Premises Signs will be permitted in the area south of Parrish Street along Marquette Road and north of Park Street along Marquette Road. No such off-premises signs shall be allowed in any other location of the city without the approval of the City Plan Commission upon application therefore.
- (c) Planned Community Development District. Signage in a planned development shall be controlled by the provisions in the plan for the business development, as adopted by the City Plan Commission, but shall not exceed the signage restrictions for the surrounding geographical area.⁵³
- (d) RF – Riverfront District
1. Permitted Signs
 - (a) Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
 - (b) Special signs authorized by the Zoning Administrator.
 - (c) Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in Section 6.17 A. (1) (c).

⁵³ Section 6.0 – 6.17 (c) - Amended by Ordinance 738

- (d) Business Identification signs for Permitted, Conditional and existing non-conforming uses subject to the following:
 - 1. Wall signs and directional signs and one ground sign per street.
 - 2. Area restrictions of twenty-four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a building fascia facing a right-of-way.
 - 3. Height restrictions: Ground signs are not to exceed a height of six (6) feet.
 - 4. Setbacks: All ground signs must be at least ten (10) feet from interior side or rear lot lines and completely outside the public right-of-way
- 2. Signs Permitted by Variance Approval by the City Plan Commission.
 - (a) Off-premises signs providing there is compliance with requirements of Section 6.17 B (1) (f).
- (f) Repealed.⁵⁴

6.18 (PENALTIES)

(1) Violation or failure to comply with the provisions of this section shall be and hereby is declared to be unlawful.

(2) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this section shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. In the event that the owner does not remove said sign or bring said sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll listing of the property on which the non-complying sign is located. Compliance within 30 days shall also require the payment of double the fees required under 6.6 of this section.

(3) This section shall not preclude the City of Prairie du Chien from maintaining any appropriate action to prevent or remove a violation of this section including issuance of a citation for violation hereof.

SECTION 7.0 (NONCONFORMING USES, STRUCTURES AND LOTS)

7.1 (EXISTING NONCONFORMING USES)

The lawful nonconforming use of a structure, sign land or water existing prior to the effective date of this ordinance, may be continued although the use does not conform with the provisions of this ordinance, however:

- (a) Only that portion of the land or water in actual use may be so continued and any associated structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.
- (b) Substitution of new uses or equipment may be permitted by the Board of Zoning Appeals if such use or equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

7.2 (EXISTING NONCONFORMING STRUCTURES)

Any lawful nonconforming structure existing prior to the effective date of this ordinance, may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provision of this ordinance; however, it shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this ordinance so long as such extensions or enlargements do not thereby create additional nonconforming dimensions or increase the nonconformance with respect to parking and loading and access. Any extension or enlargement of a nonconforming structure is subject to review and approval of the Plan Commission.

7.3 (ABOLISHMENT OR REPLACEMENT)

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structures, land or water shall conform to the provisions of this ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood or other calamity to the extent of more than fifty percent (50%) of the current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this ordinance.

⁵⁴ Section 6.0 – 6.17 (f) - Amended by Ordinance 2010-14

7.4 (TOTAL LIFETIME STRUCTURAL REPAIRS)

The total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the fair market value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this Chapter.

7.5 (CHANGES AND SUBSTITUTIONS)

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose the original status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

7.6 (SUBSTANDARD LOTS)

In any Residential District a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the office of the County Register of Deeds before the effective date or amendment of this ordinance, provided that the area, width and depth of such existing lot shall be no less than sixty-six and two-thirds percent (66 2/3) of the required minimum set for the district in which it is located. If in separate ownership, all the district requirements shall be complied with in-so-far as practical but shall not be less than the requirements of the district in which it is located. Where an existing single family or two family dwelling is located on a substandard lot, the total lot coverage to accommodate detached accessory structures and additions to existing dwelling may be increased 5% above the minimum as set forth in the district, however, all construction shall meet the minimum side, corner side, rear and front setback requirements for the district.

7.7 (NONCONFORMITIES IN FLOODPLAIN AREAS)⁵⁵

Repealed.

SECTION 8.0 (CONDITIONAL USES)

8.1 (PERMITS)

The City Plan Commission may authorize the Zoning Administrator to issue a zoning permit for a conditional uses after review and a public hearing, provided that such conditional uses and associated structures are in accordance with the purpose and intent of this ordinance, are based on substantial evidence, and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

8.2 (APPLICATION AND FEE)

Applications for zoning permits for conditional uses shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the information required by Section 9. A permit fee receipt from the Treasurer in the amount of \$50.00 shall be rendered at time of application.

8.3 (HEARINGS)

The City Plan Commission shall hold a public hearing upon each conditional use application following publication in the City of a Class 2 Notice under Wis. Stats. Chapter 985.

8.4 (REVIEW AND APPROVAL)

- (1) The Plan Commission shall use the following standards when reviewing applications for conditional uses:
- a) That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property.
 - b) That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.
 - c) That the conditional use conforms to all applicable regulations of the district in which it is located.
 - d) That the conditional use conforms to the purpose and intent of the City Master Plan.

⁵⁵ Section 7.0 – 7.7 – Repealed by Ordinance 2010-14

⁶⁴ Section 7.6 – Amended by Ordinance 2018-03

⁶⁵ Section 8.0-8.4 – Amended by Ordinance 2018-03

- (2) Conditions such as the permit's duration, transfer or renewal, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance and that the condition is based upon substantial evidence. Such conditions shall be reasonable and, to the extent practicable, measurable. An applicant must demonstrate that the application and all requirements and conditions established by the Plan Commission relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.
- (3) Compliance with all other provisions of this ordinance, such as lot and area, yards, height, parking loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 10.0
- (4) Following the public hearing and review of the conditional use application, the Plan Commission shall approve, deny, or further conditionally approve the application. The Plan Commission's decision to approve, deny, or conditionally approve an application must be supported by substantial evidence. A simple majority approval by the Plan Commission constitutes final approval of the conditional use. No further action by the City Council is required.
- (5) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Plan Commission may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the Zoning Code.
- (6) Records of all Plan Commission actions on conditional use applications shall be maintained by the City Clerk and shall be referred to in regard to enforcement and modification of conditional use approvals.
- (7) If the Plan Commission denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stats. Sec. 62.23(7)(e)(10).

SECTION 9.0 (ZONING PERMIT/CERTIFICATE OF OCCUPANCY)

9.1 (COMPLIANCE)

For the purpose of assuring compliance with the standards and intent of this ordinance and of promoting compatible development and preservation of the unique character of the City of Prairie du Chien, no structure, sign land or water shall hereafter be used and no structure (except minor structures), sign (except signs not requiring a permit), shall hereafter be located, erected or constructed and no land or building shall be changed in use without the issuance of an approved Zoning Permit.

9.2 (APPLICATION REQUIREMENTS)

Applications for Zoning Permit shall be made to the Zoning Administrator and shall include the following information. The Zoning Administrator or Plan Commission may reduce the information requirements where deemed appropriate.

- (a) Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- (b) Identification of the subject site by lot, block and recorded subdivision; or by metes and bounds.
- (c) Description of the existing and proposed use or operation of the structure or site, number of employees, existing zoning.
- (d) Building elevations and exterior architectural drawing, including enough detail to show the proposed building style, exterior materials and colors.
- (e) Site plans drawn to scale showing:
 1. The natural features of the site, including waterbodies, wetlands, tall trees with trunks greater than four (4) inches in diameter, existing drainage patterns, and topography at two (2) foot intervals.
 2. The location and dimensions of proposed and existing structures in relation to street lines;
 3. The location, dimensions, arrangements and capacity of all open spaces and yards;
 4. The location, dimensions, arrangements and capacity of all areas used for vehicle access, off-street parking, off-street loading and unloading, including methods for screening;

5. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes.
- (f) Additional information may be required for projects of more than one acre and PDC Specific Implementation Plan approvals.
 1. Grading and soil erosion control plans;
 2. Utility plans;
 3. Final landscape plans;
 4. Final plat of the entire development area showing detailed lot layout;
 5. Agreements, by-laws, provisions, or covenants governing the use, maintenance, and continued protection of common space and privately serviced facilities.
- (g) Other information deemed necessary by the Zoning Administrator or the Plan Commission to fully assess the impacts of a proposed project.

9.3 (REVIEW BY THE ZONING ADMINISTRATOR)

The Zoning Administrator shall review zoning permit applications for the proposed structure, addition, alteration, or use to assure that the plan meets the minimum standards of this ordinance for the district in which it is located. The Zoning Administrator shall grant, deny, or refer to the Plan Commission within two (2) weeks of receiving the completed zoning permit application.

9.4 (REVIEW BY THE PLAN COMMISSION)

(1) REFERRAL BY ZONING ADMINISTRATOR. If the Zoning Administrator, at his or her discretion, finds that an application for a zoning permit has characteristics that should have broader public review or special conditions attached in order to preserve the intent of this ordinance, the Zoning Administrator may require that such an application be reviewed and approved by the Plan Commission.

(2) REVIEW PROCEDURES. The Zoning Administrator shall transmit all applications requiring Commission review and approval to the Plan Commission. The Plan Commission shall review the applications at their next regularly scheduled meeting. The application shall be reviewed for compliance with the Plan Review Guidelines and a permit shall be granted, denied, or conditionally granted within thirty (30) days of the date of application. A simple majority approval of the Plan Commission constitutes final action. The applicant may request a conceptual review by the Plan Commission prior to filing a formal application for plan review.

(3) NOTIFICATION. The City Plan Commission shall notify the applicant of the scheduled hearing by mail at least five (5) days prior to the hearing date.

(4) CONDITIONS ON APPROVALS. Conditions on approvals may include landscaping, modification to architectural design, type of construction, operational controls, sureties, or deed restrictions upon the Plan Commission findings that these are necessary to fulfill the purpose and intent of the ordinance.

(5) PROFESSIONAL SERVICES. The Plan Commission may consult professional services when it is deemed necessary. The Commission may also require that plans submitted for review be certified by an architect, site planner, engineer, or other appropriate professional.

(6) PLAN REVIEW GUIDELINES. As the basis for determining the acceptability of an application for a zoning permit, the Plan Commission shall apply the following criteria.

- (a) The proposed structure, addition, alteration, or use will meet the minimum standards of this ordinance for the district in which it is located.
- (b) The proposed development will be consistent with the adopted City Master Plan.
- (c) The proposed development will be compatible with the preserve the important natural features of the site.
- (d) The proposed use will not create a nuisance for neighboring uses or unduly reduce the values of an adjoining property.
- (e) The proposed development will not create traffic circulation or parking problems.
- (f) The mass, volume, or setback or proposed structures, additions, or alterations will appear to be compatible with existing buildings in the immediate area.
- (g) Landmark structures will be recognized as products of their own time. Alterations which have no historical basis will not be permitted.
- (h) The proposed structure, addition, or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.

9.5 (ISSUANCE OF A ZONING PERMIT)

(1) A zoning permit shall be issued to the applicant, stating the official action of the Zoning Administrator or the Plan Commission and shall be filed in the office of the Zoning Administrator and referred to for enforcement of this ordinance. Approved zoning permits shall expire in twelve (12) months unless substantial work has commenced and is continuing in a progressive workmanlike manner. Extensions may be granted by the approving authority.

(2) If the project is conditionally approved, the zoning permit shall be issued subject to the conditions.

(3) If the project is disapproved, the applicant may modify the proposal and resubmit, or may choose to appeal the decision to the Board of Zoning Appeals.

(4) **MODIFICATION OF PLANS APPROVED BY THE PLAN COMMISSION.** Minor modifications to plans approved for issuance of a zoning permit may be approved by the Zoning Administrator. Any major modification in approved plan or alteration of conditions must be approved by the Plan Commission in compliance with procedures listed above.

9.6 (CERTIFICATE OF OCCUPANCY)

(1) No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of occupancy shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such permit shall be issued only when the buildings or premises and the proposed use thereof conform with all the requirements of this ordinance.

(2) The Zoning Administrator may issue a temporary certificate of occupancy for a part of a building of this ordinance.

(3) Upon written request from the owner, the Zoning Administrator shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

9.7 (FEE)⁵⁶

No zoning permit/certificate of occupancy shall be issued until a fee receipt therefore from the Treasurer in the amount of \$25.00 is rendered to the Administrator.

9.8 (VIOLATIONS – PENALTIES)

(1) It is unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance. In case of any violation, the city Council, the Zoning Administrator, the City Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance or cause a structure to be vacated or moved.

(2) Injunctional relief against violators may also be sought in the name of the City or of affected property owners, in addition to any other penalty which may be imposed under the provisions of the Municipal Code.

SECTION 10.0 (BOARD OF ZONING APPEALS)

10.0 (ESTABLISHMENT)

There is established a Board of Zoning Appeals for the City for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this ordinance in harmony with the purpose and intent of this ordinance.

10.01 (MEMBERSHIP)⁵⁷

Refer to Section 1.20 (Board of Zoning Appeals) of the Municipal Code

10.2 (ORGANIZATION)

⁵⁶ Section 9.0 – 9.7 - Amended by Ordinance 2004-10

⁵⁷ Section 10.0 – 10.01 - Recreated by Ordinance 2012-26

- (1) The Board of Zoning Appeals shall organize and adopt rules of procedures for its own governance in accordance with the provisions of this ordinance.
- (2) Meetings shall be held at the call of the chairperson and shall be open to the public.
- (3) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- (4) The concurring vote of three (3) members of the Board shall be necessary to correct an error, grant a variance, make interpretation and permit utility, temporary, unclassified or substituted use.

10.3 (POWERS)

The Board of Zoning Appeals shall have the following powers:

- (a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Administrator or Plan Commission.
- (b) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this ordinance shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
- (c) Interpretations. To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the City Plan Commission has made a review and recommendation.
- (d) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Board permits such a substitution, the use may not thereafter be charged without application.
- (e) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, where a clear determination cannot be made by the Zoning Administrator, provided that such uses are similar in character to the principal uses permitted in the district.
- (f) Assistance. The Board of Zoning Appeals may request assistance from other municipal officers, departments, boards and commissions, or may seek outside professional opinion and pay for same provided funds for said consultation services are made available by the City Council.
- (g) Oaths. The chairperson may administer oaths and compel the attendance of witnesses.
- (h) Temporary Uses. To hear and grant applications for temporary uses, in any District, provided that such uses are of a temporary nature; do not involve the erection of a substantial structure; and are compatible with the neighboring uses; and the Plan Commission has made a review and recommendations. The permit shall be temporary, revocable, subject to any conditions required by the Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this ordinance shall be required.
- (i) Permits. The Board may reverse, affirm wholly or partly modify the requirements appealed from and may issue or direct the issue of a permit.

10.4 (APPEALS AND APPLICATIONS)

Appeals from the decision of the Zoning Administrator or the Plan Commission concerning the literal enforcement of this ordinance may be made by any person aggrieved or by an officer, department, board or bureau of the City. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision of the Zoning Administrator or Plan Commission. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following.

- (a) Name and address of the appellant or applicant and all abutting and opposite property owners on record, and owners on record, and owners within three hundred (300) feet of the property in question;
- (b) Site plan as required under Section 9.0 for a zoning permit;
- (c) Additional information required by the City Plan Commission, City Engineer, Board of Zoning Appeals or Zoning Administrator.
- (d) The right to an appeals hearing shall be contingent upon applicant's prepayment of a fee of \$50.00. Said payment to be made at time of application.⁵⁸

⁵⁸ Section 10.0 – 10.4 (d) - Amended by Ordinance 2004-10

⁶⁶ Section 10.0 – 10.7 – Amended by Ordinance 2018-03

10.5 (APPEALS – HEARINGS)

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least seven (7) days prior to the hearings by publication as a Class I Notice and shall give due notice to the parties having interest, the Zoning Administrator, and the City Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

10.6 (VARIANCE – APPEALS – FINDINGS)

A. The Municipal Code recognizes two types of variances:

- (1) An area variance is a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.

- (2) A use variance is an authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the Zoning Code.

B. The property owner applying for a variance bears the burden of proving unnecessary hardship. No variance to the provisions of this ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (1) For an area variance, the property owner must demonstrate that strict compliance with the Zoning Code would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the Zoning Code unnecessarily burdensome as distinguished from a mere inconvenience.

- (2) For a use variance, the property owner must demonstrate that strict compliance with the Zoning Code would leave the property owner with no reasonable use of the property in the absence of a variance.

- (3) In all cases, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property and would not be applicable generally to other properties within the same zoning classification, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Further, the purpose of the variance shall not be based exclusively upon a desire for economic or other material gain by the applicant or owner.

- (4) In order to grant a variance the Board must find that the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public right-of-way, negatively impact public safety, or substantially diminish or impair property values within the neighborhood.

10.7 (APPEALS – DECISION)

(1) The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and City Plan Commission.

(2) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(3) Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

(4) Any person or persons aggrieved by a decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Zoning Administrator.

STEPS FOR APPEALS TO BOARD OF ZONING APPEALS

- (1) Application filed with Zoning Administrator
- (2) Class 1 Notice given
- (3) Board of Zoning Appeals conducts public Hearing and takes final action
- (4) Approve, approve with conditions or reject

SECTION 11.0 (CHANGES AND AMENDMENTS)

11.1 (AUTHORITY)

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the City Plan Commission.

11.2 (INITIATION)

A change or amendment may be initiated by the City Council or any member thereof, City Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

11.3 (PETITIONS)

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Zoning Administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (a) Plot Plan drawn to a scale of one (1) inch equals one-hundred (100) feet showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.
- (b) Owner's name and addresses of all properties lying within two-hundred (200) feet of the area proposed to be rezoned.
- (c) Additional information required by the City Plan Commission or City Council.
- (d) Fee Receipt from the Treasurer in the amount \$75.00⁵⁹

11.4 (RECOMMENDATIONS)

The City Plan Commission shall review all proposed changes and amendments within the corporate limits, and shall recommend that the petition be granted as requested, modified or denied.

11.5 (CITY COUNCIL ACTION)

The City Council shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice by publication at least twice during the preceding thirty (30) days, listing the time, place, and the changes of amendments proposed. The City Council shall also give at least ten (10) days prior notice to the Clerk of any municipality within one-thousand (1000) feet of any land to be affected by the proposed change or amendment. After careful consideration of the City Plan Commission's recommendations, the City Council shall vote on the passage of the proposed change or amendment.

11.6 (PROTEST)

In the event of a protest against such district change or amendment to the regulations of this ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land immediately adjacent extending one-hundred (100) feet there from or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourth (3/4) of the full Council membership.

11.7 (FLOODPLAIN OVERLAY DISTRICT)⁶⁰

Repealed.

SECTION 12.0 (DEFINITIONS)

For the purpose of this Chapter, the following definitions shall be used. Words used in the present tense include the future tense; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.⁶¹

⁵⁹ Section 11.0 – 11.3 (d) - Amended by Ordinance 2004-10

⁶⁰ Section 11.0 – 11.7 – Repealed by Ordinance 2010-14

⁶¹ Section 12.0 (10), (11), (12), (22), (39), (40), (41), (45), (46), (47), (48), (49), (50), (51), (52), (53), (55), (77), (82), (83), (92), (94) - Amended by Ordinance 2010-14 Section 12.0 (61) and (74) - Amended by Ordinance 2004-05

- (1) ACCESSORY BUILDING. A subordinate building or portion of the main building the use of which is purely incidental to that of the main building.
- (2) ACCESSORY USE. A use subordinate in nature, extent or purpose to the principal use of the building or lot.
- (3) ADVERTISING SIGN, OUTDOOR. A structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject related or unrelated to the premise upon which it is located.
- (4) ADVERTISING STRUCTURE, OUTDOOR. Anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premise upon which it is located.
- (5) ALLEY. A way which affords only a secondary means of access to abutting property excepting those properties which currently have only primary access from alleys.
- (6) APARTMENT. A portion of residential or commercial building used as a separate housing unit.
- (7) APARTMENT-STYLE BUILDING. A building containing three (3) or more attached dwelling units with a majority of the units having primary access from a common entranceway or hallway. Units may be attached either vertically or horizontally.
- (8) ARTERIAL STREET. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (9) ATTACHED GARAGE. A garage that has any portion of a roof or wall in common with or attached to the principal structure.
- (10) A ZONES. Repealed.
- (11) BASE FLOOD. Repealed.
- (12) BASE FLOOD ELEVATION. Repealed.
- (13) BASEMENT. A story partly underground but having at least one-half (1/2) of its height below the mean level of the adjoining ground. Basements shall not be used as dwelling units.
- (14) BED AND BREAKFAST ESTABLISHMENT. Any place of lodging that provides 4 or fewer rooms for rent to tourists or other transients for more than 10 nights in a 12 month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (15) BOARD. The Board of Appeals as provided in Section 10.0 of this Chapter.
- (16) BOARDING HOUSE. A building, other than a hotel, where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (17) BUILDING. A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.
- (18) BUILDINGS, ALTERATIONS OF. Any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building, or movement of a building from one location to another.
- (19) BUILDING, HEIGHT OF. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

- (20) **BUILDING, PRINCIPAL.** A building in which is conducted the main use of the lot on which said building is located.
- (21) **CARPORT.** See Garage, private.
- (22) **CHANNEL.** Repealed.
- (23) **CHILD DAY CARE CENTER.** A facility licensed as a day care center by the State Department of Health & Social Services where a person(s) provides for compensation and/or consideration, group care for four (4) or more children at a location other than the child's own home or the home of relatives or guardians.
- (24) **CLINIC.** A building used by a group of doctors for the medical and dental examination or treatment of persons on an outpatient basis only.
- (25) **CLUB.** A building owned, leased or hired by a non-profit association of persons who are bona fide members paying dues, the use of which is restricted to said members and their guests.
- (26) **COMMUNITY LIVING ARRANGEMENTS.** A group lodging facility licensed or operated or permitted under the authority of the Wisconsin Department of Health and Social Services (see Section 46.03(22), Wisconsin Statutes) Where three (3) or more unrelated persons, reside and in which case, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as major function of the facility. Child care facilities, nursing home, hospitals, prisons, jails, foster family homes which are the primary domiciles of a foster parent and four (4) or fewer children are not "community living arrangements" for purposes of this ordinance.
- (27) **CONDITIONAL USES.** A conditional use is a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the City, but does not include a variance.
- (28) **CONFORMING USES.** Any lawful use of a building or lot which complies with the provision of this Chapter.
- (29) **CORE LIVING AREA.** A permanent portion of any dwelling, including a manufactured home, which is bounded by four (4) exterior walls (or composite structural dimensions) which are at least 24 feet in length by 24 feet in width, specifically excluding; porches and seasonal use areas.
- (30) **COURT.** An open unoccupied space other than a yard, on the same lot with a building, and which is bounded on at least two (2) sides by the building.
- (31) **CURB BREAK.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (32) **CURB LEVEL.** The level of the established curb in the front of the building measured at the center of such front. Where no curb has been established, the City Council shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Chapter.
- (33) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.
- (34) **DWELLING UNIT.** A building or portion thereof used exclusively for human habitation, including single-family, two family, and multi-family dwellings, but not including hotels, motels, or lodging houses.
- (35) **DWELLING, SINGLE-FAMILY.** A detached building designed, arranged, or used for and occupied exclusively by one (1) family, including a "Manufactured Home" (as hereinafter defined) so designed, arranged or used and occupied.
- (36) **DWELLING, TWO-FAMILY.** A building designed, arranged, or used for two (2) families, including a "Manufactured Home" (as hereinafter defined) so designed, arranged or used " .

- (37) DWELLING, MULTIPLE. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments and townhouses.
- (38) EMERGENCY SHELTER. Public or private enclosures designated to protect people from aerial, radiological, biological or chemical warfare, fire, flood, windstorm, riots or invasions.
- (39) ENCROACHMENT. A fixture or structure, manmade or other, including trees or natural growth, that intrudes or overhangs on to the property of another or in any way invades or overhangs a street, sidewalk, alley public grounds, or lands dedicated to the public.
- (40) ENCROACHMENT/FLOODWAY LINES. Encroachment lines are limits of obstruction to flood flows, These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows.
- (41) EQUAL DEGREE OF HYDRAULIC ENCROACHMENT. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.
- (42) EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction or facilities for servicing the lot on which the mobile home is to be affixed which have been completed before the effective date of this ordinance.
- (43) FAMILY. An individual or a group of two (2) or more individuals who are related by blood, marriage or adoption, together with not more than three (3) additional persons not so related, living as single household in a dwelling unit.
- (44) FAMILY DAY CARE HOME. Is a dwelling licensed as a day care center by the Department of Health and Social Services under S.48.65 where care is provided for not more than 8 children.
- (45) FLOOD OR FLOODING. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (46) FLOOD FRINGE. The flood fringe is that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.
- (47) FLOOD HAZARD BOUNDARY MAP. A map prepared by the U.S. Department of Housing and Urban Development, designating areas of special flood hazard within a given community. Flood hazard areas are designated A-zones. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.
- (48) FLOOD INSURANCE STUDY MAP. A map prepared by the U.S. Department of Housing and Urban Development, designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as A-zones. Said maps form the basis for the regulatory and/or the insurance aspects of the National Flood Insurance Program.
- (49) FLOODPLAIN. The floodplain is the land which has been or may be hereinafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe.
- (50) FLOOD PROFILE. A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.
- (51) FLOODPROOFING. Floodproofing involves any combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating

flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas.

(52) FLOOD PROTECTION ELEVATION. The flood protection elevation shall correspond to a point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines. (See also Freeboard).

(53) FLOODWAY. The floodway is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

(54) FLOOR AREA. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements, and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

(55) FREEBOARD. "Freeboard" is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the water shed, loss of flood storage areas due to development and aggradations of the river or stream bed.

(55) FRONTAGE. All of the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

(56) GARAGE, PRIVATE. An accessory building or portion of the principal building used for storage and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport, and, when related to the context, shall relate to the storage of one (1) or more vehicles.

(57) GARAGE, STORAGE. A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.

(58) GARAGE, PUBLIC. A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles, or where such vehicles are left for renumeration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

(59) GROUP HOME. A group lodging facility licensed or operated or permitted under the authority of the Wisconsin Department of Health and Social Services (see Section 46.03 (22), Wisconsin Statutes where three (3) or more unrelated persons reside and in which case, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as a major function of the facility. Child care facilities, nursing homes, hospitals, prisons, jails, foster homes which are the primary domiciles of a foster parent and four (4) or fewer children are not "group homes" of this ordinance.

(60) HOME OCCUPATION. Any occupation for gain or support which is customarily incidental and accessory to the primary residential use and does not change the character thereof. Any activity resulting in noise, fumes, traffic light or odor, to such an extent that it is noticeable that the property is being used for non-residential purposes, shall not constitute a home occupation. In addition, the following requirements must be met and maintained:

- (a) Such occupation must be conducted entirely within the principal residential structure or accessory building on the same lot and performed exclusively by actual residents of the premises.
- (b) Such occupation must not exceed in use twenty-five percent (25%) of the area of any floor within the principal residential structure.

(c) Such occupation must not display or store any products, or materials incidental thereto which are located on the premises outside the principal residence or garage or which are visible from outside of such structures.

(d) No on-premises signs or advertising shall be located on the premises other than as allowed under Section 6.15 of this Chapter.

(61) HOTEL OR MOTEL. "Hotel or motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges, bed and breakfasts, and cabins, and any other building or group of buildings in which accommodations are available to the public irrespective of whether membership is required or use of the accommodations, except accommodations rented for a continuous period of more than one month, and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or education purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual and further excluding any accommodations located within a private residence not normally held out to use by the public and which are not used for public accommodations more than ten (10) days in any calendar year.

(62) JUNK YARD. An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

(63) LOADING AREA. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(64) LOT. A parcel of land having frontage on a public street, having sufficient size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

(65) LOT LINES AND AREA. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(66) LOT WIDTH. The width of a parcel of land measured at the front building line.

(67) LOT, REVERSED CORNER. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

(68) LOT, THROUGH. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

(69) LOT, ZONING. A single tract of land which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

(70) MANUFACTURED HOME. A structure certified and labeled as a manufactured home under 42 U.S.C. Section 5401-5426, which, when placed on the site:

(a) Is set on an enclosed foundation in accordance with minimum foundation requirements for all "residential dwellings" under this code and with Section 70.043 (1), Wis. Stats., and subchapters III, IV and V of Chapter ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the City Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

(b) Is installed in accordance with the manufacturer's instructions.

(c) Is properly connected to utilities.

(71) MARQUEE OR CANOPY. A roof-like structure of a permanent nature which projects from the wall of a building.

(72) MINOR STRUCTURE. A structure that is less than one hundred twenty (120) sq. ft. in area and its use is accessory to the principal structure.

(73) **MOBILE HOME.** That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the house trailer.

(74) **MOTEL OR HOTEL.** "Motel or hotel" means a building or group of buildings in which the public may obtain accommodations for consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges, bed and breakfasts, and cabins, and any other building or group of buildings in which accommodations are available to the public irrespective of whether membership is required or use of the accommodations, except accommodations rented for a continuous period of more than one month, and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or education purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual and further excluding any accommodations located within a private residence not normally held out to use by the public and which are not used for public accommodations more than ten (10) days in any calendar year.

(75) **MOTOR FREIGHT TERMINAL.** A building or area in which freight brought by motor truck is assembled or stored for routing in intra-state and inter-state shipment by motor truck.

(76) **MOTOR VEHICLE.** Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

(77) **NONCONFORMING BUILDING OR STRUCTURE.** An existing lawful structure or building which is not in conformity with the provisions of the zoning ordinance for the area it occupies (e.g. a building designed for a store in Residential District, etc.).

(78) **NONCONFORMING USE.** A nonconforming use is an existing use of a structure, building, or accessory use which is not in conformity with the provisions of the zoning ordinance for the area which it occupies.

(79) **NURSERY.** Any building or lot, or portion thereof, used for the cultivation of growing of plants and including all accessory buildings.

(80) **NURSERY SCHOOL.** Any building used routinely for the day-time care and education of preschool age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

(81) **NURSING HOME.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(82) **OFFICIAL FLOODPLAIN MAP.** The floodplain map described in Section 3.17(A) (2).

(83) **OFFICIAL LETTER OF MAP AMENDMENT.** Official notification from the Federal Insurance Administration office of FEMA that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

(84) **PARKING AREA, SEMI-PUBLIC.** An open area other than a street, alley, or place used for temporary parking for more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

(85) **PARKING SPACE.** An off-street space available for the parking of a motor vehicle and which, in this Chapter, is held to be an area nine (9) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(86) **PLANNED DEVELOPMENT.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.

(87) PROFESSIONAL HOME OFFICES. Shall be defined in terms of the following two categories: residences of doctors or medicine, dentistry, architects, land architects, professional engineers, registered land surveyors, lawyers and insurance and real estate brokers; and residences of other recognized professions and occupations of a service or craft character in which the work space does not exceed fifty percent (50%) of the area of only one floor of the residence and no more than one (1) non-resident person is employed. If under twenty-five percent (25%) no conditional use permit is required. If over fifty percent (50%), no conditional use permit may be allowed.

(88) PROPERTY LINES. The lines bounding a zoning lot, as defined herein.

(89) PUBLIC AND SEMI-PUBLIC USES. For purposes of this ordinance, the following uses shall be considered public and semi-public uses: government, office building, fire and police stations, public garages, libraries, museums, community centers, churches, cemeteries, public and private elementary and secondary schools, colleges and universities, and similar uses not specifically listed but similar in character.

(90) PUBLIC WAY. Any sidewalk, street, alley, highway or other public thoroughfare.

(91) RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

(92) REACH, HYDRAULIC. A hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream bed slope or vegetation.

(93) RECREATIONAL CAMPING TRAILERS, RECREATIONAL MOBILE HOMES AND RECREATIONAL MOTOR HOMES. These vehicles are as defined by reference to Section 340.01 (6m), 340.01 (29), 340.01 (33m) further providing that any such vehicle is no larger than 400 square feet and is used primarily as temporary living quarters for recreational camping, travel or seasonal purposes.

(94) REGIONAL FLOOD. The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of the physical characteristics. The flood frequency of the regional flood is once in every one-hundred (100) years; this means that in any given year there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) change of occurrence.

(95) SCHOOL, PRIVATE. An elementary or intermediate school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such, and operating at least five (5) days a week for a normal school year, and supported by other than public funds.

(96) SCHOOL, COMMERCIAL. A school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.

(97) SIGNS. Any emblem, painting, banner, pennant, placard, design identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

(98) STORAGE CAPACITY OF A FLOODPLAIN. The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

(99) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

(100) STORY, HALF. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

(101) STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

(102) STRUCTURE. Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed or lake bed, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges or culverts (excepting tents).

(103) STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

(103A) SUBSTANTIAL EVIDENCE. Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(104) SUBSTANTIAL IMPROVEMENTS. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components.

(105) TOWNHOUSE-STYLE BUILDING. A building containing three (3) or more attached dwelling units with each unit having separate primary access to the outside. Units may be attached either vertically horizontally.

(106) USE. The “use” of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.

(107) USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use. A “principal use” may be “permitted” or “conditional”.

(108) USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.

(109) USE, CONDITIONAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a “permitted” use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such “conditional” use may or may not be granted.

(110) UTILITIES. Any public or private water supply; waste collection and/or disposal system; storm sewer systems; gas; electric, telephone, and cable T.V. service lines and facilities.

(111) YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted.

(112) YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

(113) YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

(114) YARD SIDE. A yard extending along a side lot line from the front yard to the rear yard.

(115) YARD, CORNER SIDE. A side yard which adjoins a public street.

(116) YARD, INTERIOR SIDE. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

(117) YARD, TRANSITIONAL. That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.

(118) ZONING DISTRICT. An area or areas within the corporate limits for which the regulations and refinements governing use, lot, and bulk of buildings and premises are uniform.

(119) ZONING PERMIT. A permit stating that the purpose for which a building is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.

Definition 27 – Amended by Ordinance 2018-03

Definition 103A – Created by Ordinance 2018-03