

**MAUSTON - LEMONWEIR
EXTRATERRITORIAL ZONING ORDINANCE**

ARTICLE 5: GENERAL STANDARDS AND REGULATIONS

TABLE OF CONTENTS

1.501	PURPOSE.....	5-1
1.502	RESERVED FOR FUTURE USE.....	5-1
1.503	DENSITY AND INTENSITY STANDARDS	5-1
	(1) Purpose.....	5-1
	(2) Standards.....	5-1
	(3) Minimum Zoning District Area (MZA)	5-2
	(4) Minimum Lot Area (MLA)	5-2
	(5) Maximum Building Coverage (MBC).....	5-2
	(6) Maximum Building Size (MBS)	5-2
	(7) Maximum Gross Density (MGD).....	5-3
	(8) Maximum Floor Area Ratio (FAR).....	5-3
	(9) Minimum Landscape Surface Ratio (LSR)	5-3
1.504	RESERVED FOR FUTURE USE	5-4
1.505	BULK REGULATIONS	5-4
	(1) Purpose.....	5-4
	(2) General Standards	5-4
	(3) Yard Setback Adjustments	5-4
	(4) Exceptions to Maximum Height Regulations.....	5-6
1.506	ACCESS STANDARDS	5-6
	(1) Purpose.....	5-6
	(2) Permit Required	5-6
	(3) Number of Access Points	5-6
	(4) Types of Streets.....	5-7
	(5) Access Near Street Intersections	5-7
	(6) Distance Between Access Drives	5-7
	(7) Angle of Intersection with Public Right-Of-Way.....	5-7
	(8) Distance from Property Line	5-7
	(9) Width of Driveways	5-7
	(10) Traffic Control	5-7
	(11) Depiction on Required Site Plan	5-7
	(12) Paving of Access	5-7
	(13) Drainage.....	5-7
1.507	RESERVED FOR FUTURE USE	5-8
1.508	VISIBILITY STANDARDS	5-8
	(1) Purpose.....	5-8
	(2) Vision Clearance Triangle.....	5-8
	(3) Restrictions in Triangle	5-8
	(4) Depiction on Required Site Plan	5-8

1.509	OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS	5-9
(1)	Purpose.....	5-8
(2)	Depiction on Required Site Plan	5-8
(3)	Use of Off-Street Parking Areas.....	5-8
(4)	Traffic Circulation and Traffic Control	5-9
(5)	Installation and Maintenance.....	5-9
(6)	Design Standards.....	5-9
(7)	Calculation of Minimum Required Parking Spaces	5-13
1.510	RESERVED FOR FUTURE USE	5-13
1.511	OFF-STREET LOADING STANDARDS	5-14
(1)	Purpose.....	5-14
(2)	Applicability.....	5-14
(3)	Location	5-14
(4)	Size of Loading Area.....	5-14
(5)	Access to Loading Area	5-15
(6)	Surfacing and Marking.....	5-15
(7)	Use of Required Loading Areas	5-15
(8)	Lighting.....	5-15
(9)	Signage.....	5-15
(10)	Depiction on Required Site Plan	5-15
(11)	Calculation of Required Loading Spaces	5-15
1.512	EXTERIOR STORAGE STANDARDS.....	5-15
(1)	Purpose.....	5-15
(2)	Exterior Storage of RV's, ATV's, Boats, Snowmobiles and Trailers in Residential Zoning Districts.....	5-16
(3)	Exterior Storage in Office and Business Districts	5-16
(4)	Exterior Parking/Storage of Automobiles and Trucks in Residential Zoning Districts ..	5-16
(5)	Outdoor Storage of Firewood.....	5-17
(6)	Storage in Agricultural Districts.....	5-17
1.513	RESERVED FOR FUTURE USE	5-18
1.514	EXTERIOR LIGHTING STANDARDS	5-18
(1)	Purpose.....	5-18
(2)	Applicability.....	5-18
(3)	Depiction on Required Site Plan	5-18
(4)	Requirements	5-18
1.515	VIBRATION STANDARDS	5-18
(1)	Purpose.....	5-18
(2)	Applicability.....	5-18
(3)	Depiction on Required Site Plan	5-18
(4)	Requirements	5-19
(5)	Method of Measurement	5-19
(6)	Standards in the General Industrial District	5-19
(7)	Standards in the Heavy Industrial District.....	5-19
(8)	Standards in the Planned Industrial District	5-19
1.516	RESERVED FOR FUTURE USE	5-20

1.517	NOISE STANDARDS	5-20
(1)	Purpose.....	5-20
(2)	Applicability.....	5-20
(3)	Requirements	5-20
(4)	Burden of Proof.....	5-20
1.518	AIR POLLUTION STANDARDS.....	5-20
(1)	Purpose.....	5-20
(2)	Applicability.....	5-20
(3)	Standards.....	5-21
1.519	ODOR STANDARDS	5-21
(1)	Purpose.....	5-21
(2)	Applicability.....	5-21
(3)	Standards.....	5-21
1.520	RESERVED FOR FUTURE USE	5-21
1.521	ELECTROMAGNETIC RADIATION STANDARDS.....	5-21
(1)	Purpose.....	5-21
(2)	Applicability.....	5-21
(3)	Standards.....	5-21
1.522	GLARE AND HEAT STANDARDS	5-22
(1)	Purpose.....	5-22
(2)	Applicability.....	5-22
(3)	Standards.....	5-22
1.523	RESERVED FOR FUTURE USE	5-22
1.524	FIRE AND EXPLOSION STANDARDS	5-22
(1)	Purpose.....	5-22
(2)	Applicability.....	5-22
(3)	Standards.....	5-22
1.525	TOXIC OR NOXIOUS MATERIAL STANDARDS.....	5-22
(1)	Purpose.....	5-22
(2)	Applicability.....	5-22
(3)	Standards.....	5-22
1.526	WASTE MATERIAL STANDARDS	5-23
(1)	Purpose.....	5-23
(2)	Applicability.....	5-23
(3)	Standards.....	5-23
1.527	RESERVED FOR FUTURE USE	5-23
1.528	DRAINAGE STANDARDS.....	5-23
1.529	EXTERIOR CONSTRUCTION MATERIAL STANDARDS.....	5-23
(1)	Purpose.....	5-23

(2)	Applicability.....	5-23
(3)	Standards for All Residential, Office, Commercial, and the PI Zoning Districts	5-23
(4)	Trademark Architecture	5-24
(5)	Matching Buildings.....	5-24
(6)	Exceptions.....	5-24
1.530	ROOF AND EAVE STANDARDS.....	5-24
(1)	Roofs.....	5-24
(2)	Eaves.....	5-24
(3)	Exceptions.....	5-24
1.531	RESERVED FOR FUTURE USE	5-24
1.532	HAZARDOUS MATERIALS STANDARDS	5-24
(1)	Purpose.....	5-24
(2)	Applicability.....	5-24
(3)	Standards.....	5-24
1.533	FENCING STANDARDS	5-24
(1)	Purpose.....	5-24
(2)	Applicability.....	5-25
(3)	Standards.....	5-25
1.534	RESERVED FOR FUTURE USE	5-26
1.535	SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES) STANDARDS	5-28
(1)	Purpose.....	5-28
(2)	Permit Required	5-28
(3)	Definitions.....	5-28
(4)	Application.....	5-28
(5)	Installation Standards	5-28
(6)	Enforcement.....	5-28
1.536	WIND ENERGY SYSTEMS STANDARDS.....	5-28
(1)	Construction of Wind Energy Systems.....	5-28
(2)	Permits Required.....	5-28
(3)	Application Requirements.....	5-28
(4)	Blade Clearance	5-29
(5)	Climbing Towers, Tower Access	5-29
(6)	Tower Construction.....	5-29
(7)	Utility Interconnection	5-29
(8)	Setback Requirements	5-29
(9)	Noise	5-29
(10)	Interference with Navigational Systems	5-29
(11)	Electrical Distribution Lines	5-29
(12)	Required Safety Features.....	5-29
(13)	Maintenance	5-29
(14)	Inspections	5-30
1.537	SWIMMING POOL STANDARDS	5-30
(1)	Definition	5-30
(2)	Exempt Pools	5-30

(3)	Permit Required	5-30
(4)	Construction Requirements	5-30
(5)	Setbacks and Other Requirements.....	5-30
(6)	Enclosures	5-30
(7)	Compliance	5-31
(8)	Draining and Approval Thereof	5-31
(9)	Filter System Required.....	5-31
(10)	Dirt Bottoms Prohibited	5-31
1.538	RESERVED FOR FUTURE USE	5-31
1.539	DESIGN REQUIREMENTS FOR LARGE DEVELOPMENTS.....	5-31
1.540	SUBSTANDARD LOT REGULATIONS.....	5-31
(1)	Prohibition.....	5-31
(2)	Pre-Existing Lots.....	5-31
(3)	Division or Combining of a Lot	5-32
1.541	NONCONFORMING STRUCTURE AND BUILDING REGULATIONS.....	5-32
(1)	Existing Structures	5-32
(2)	Unsafe Structures	5-32
(3)	Modifications	5-32
(4)	Destruction.....	5-32
(5)	Maintenance and Repairs	5-32
(6)	Alterations.....	5-32
(7)	Garages	5-33
(8)	Issued Building Permits	5-33
(9)	Blanket Variance for Nonconforming Residences	5-33
1.542	ADMINISTRATION & ENFORCEMENT OF PERFORMANCE STANDARDS	5-33

ARTICLE 5: GENERAL STANDARDS AND REGULATIONS

1.501 PURPOSE

The purpose of this Article is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this Chapter. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Extraterritorial Zoning District.

1.502 RESERVED FOR FUTURE USE

1.503 DENSITY AND INTENSITY STANDARDS

(1) **PURPOSE:** The purpose of these standards is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter. The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development. “Density” and “Intensity” are defined in Section 1.125

Rationale: These standards regulate the development potential of all property within the jurisdiction of this Chapter. They are designed to ensure the implementation of many goals and objectives of the Mauston and Lemonweir Comprehensive Master Plans. (See also, Section 1.103). Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such conventional approaches often prove to be inflexible and often permit the needless destruction of sensitive natural resources. The approach employed herein, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district), results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

(2) **STANDARDS:**

(a) **Where Found:** The standards which determine the maximum amount of development permitted on any given site are found in Article 2. Each zoning district found in Article 2 contains specific Density and Intensity requirements. Furthermore, for convenience, some of the Density and Intensity Standards are summarized in chart form in Appendix 2 “Lot Development Worksheet.”

(b) **How To Calculate Requirements:** These standards recognize the inherent differences between residential and nonresidential land uses, and thus regulate their development in slightly different manners. In determining the standards applicable to a particular lot, it is recommended that the “General Instructions For Following Zoning Ordinance” contained in Appendix 1 be consulted, along with the steps described below for each standard.

- 1.503 (3) MINIMUM ZONING DISTRICT AREA (MZA):** In Article 2, within each zoning district, there are standards which establish a “minimum zoning district area” (MZA). This term is defined in Section 1.125. The lot in question must be part of a zoning district area which meets or exceeds this minimum standard, which is intended to prevent “spot zoning.” Compliance with the MZA standard is determined as follows:
- Step 1: Consult the Official Zoning Map to determine the total contiguous area which is currently zoned and/or proposed to be zoned under the same zoning district as the proposed development.
 - Step 2: Review the requirements for MZA found in Article 2 under the particular land use which applies to the lot in question.
 - Step 3: Compare the number calculated in Step 1 above with the MZA found in Step 2, to determine if the amount of zoning district area proposed for the lot complies with the standard. Modify, if necessary, the zoning district boundaries to comply with the standard.
- (4) MINIMUM LOT AREA (MLA):** In Article 2, within each zoning district, there are standards which establish a “minimum lot area” (MLA). This term is defined in Section 1.125. The lot in question must meet or exceed this MLA. Compliance with the MLA standard is determined as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2)
- Step 1: Calculate the size of the lot in question.
 - Step 2: Review the requirements for Minimum Lot Area found in Article 2 under the particular land use which applies to the lot in question.
 - Step 3: Compare the number calculated in Step 1 above with the Minimum Lot Area (Step 2) established for the particular zoning district, to determine if the size of the lot complies with the standard. Modify, if necessary, the size of the lot in question to comply with the standard.
- (5) MAXIMUM BUILDING COVERAGE (MBC):** In Article 2, within each zoning district, there are standards which establish a “maximum building coverage” (MBC) (i) for principal buildings, (ii) for accessory buildings, and (iii) for all buildings combined. MBC is defined in Section 1.125. These standards limit the total percentage amount of a lot which can be covered by principal buildings and accessory buildings. These percentages are determined as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2)
- Step 1: Calculate the size of the lot in question in square feet.
 - Step 2: Calculate the size (footprint) of the proposed principal buildings and all existing principal buildings in square feet.
 - Step 3: Divide the total size of all the principal buildings (Step 2) by the size of the lot (Step 1) to obtain the percentage.
 - Step 4: Review the maximum building coverage requirements found in Article 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed principal building to comply with the standard.
 - Step 5: Repeat the foregoing steps to determine the maximum building coverage for accessory buildings and for all buildings (principal and accessory combined).
- (6) MAXIMUM BUILDING SIZE (MBS):** In Article 2, within each zoning district, there are standards which establish a “maximum building size” (MBS) for any building on a lot. MBS is defined in Section 1.125. All buildings on a lot must not exceed this standard, which is determined as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2)

- 1.503 (6) Step 1: Calculate the total gross floor area in square feet of all floors (except crawl spaces and attics) of the building.
Step 2: Review the maximum building size requirements found in Article 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed building to comply with the standard.
- (7) **MAXIMUM GROSS DENSITY (MGD):** In Article 2, within each zoning district, there are standards which establish a “maximum gross density” (MGD) of dwelling units on a lot. “MGD” is defined in Section 1.125. MGD limits the number of dwelling units permitted on a lot. The number of dwelling units is determined as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2).
Step 1: Calculate the size of the lot in question in square feet.
Step 2: Determine the total amount of dwelling units proposed for the site.
Step 3: Divide the size of the lot (Step 1) by the total number of proposed dwelling units (Step 2).
Step 4: Review the MGD requirements found in Article 2 under the particular zoning district which applies to the site in question. Reduce, if necessary, the number of proposed dwelling units to comply with the standard.
- (8) **MAXIMUM FLOOR AREA RATIO (FAR):** In Article 2, within each zoning district, there are intensity standards which establish a maximum “Floor Area Ratio” (FAR). This term is defined in Section 1.125. The total gross floor area of all the non-residential buildings on the lot in question must not exceed this FAR. The FAR is determined as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2).
Step 1: Determine the total Gross Floor Area (GFA) of all buildings on the site. “Gross Floor Area” is defined in Section 1.125.
Step 2: Calculate the size of the lot in question in square feet.
Step 3: Divide the GFA (Step 1) by the lot size (Step 2) to obtain the Floor Area Ratio (FAR).
Step 4: Review the nonresidential intensity requirements found in Article 2 under the particular land use which applies to the site in question.
Step 5: Compare the number calculated in Step 3 above with the FAR standard established for the particular zoning district, to determine if the amount of floor area proposed for the site complies with the standard. Modify, if necessary, the amount of GFA to comply with the standard.
- (9) **MINIMUM LANDSCAPE SURFACE RATIO (LSR):** In Article 2, within each zoning district, there are standards which establish a minimum “Landscape Surface Ratio” (LSR). This term is defined in Section 1.125. This standard requires a minimum amount of landscaped area on a lot. The minimum LSR is calculated as follows: (For assistance, use “Lot Development Worksheet,” Appendix 2).
Step 1: Determine the total area in square feet of the site that will be preserved as landscaped area. “Landscaped area” is defined in Section 1.125.
Step 2: Calculate the size of the lot in question in square feet.
Step 3: Divide the total landscaped area (Step 1) by the lot area (Step 2) to obtain the Landscape Surface Ratio (LSR).
Step 4: Review the minimum landscape surface ratio requirements found in Article 2 under the particular zoning district which applies to the site in question. Modify, if necessary, the amount of landscaped area to comply with the standard.

1.504 RESERVED FOR FUTURE USE

1.505 BULK REGULATIONS

- (1) **PURPOSE:** The purpose of this section is to indicate the requirements for building height, size and location in both residential and nonresidential developments. The provisions of this section interact closely with the provisions of the previous section regarding Density and Intensity Regulations.
- (2) **GENERAL STANDARDS:**
 - (a) **Where Found:** The standards which impose the Bulk Regulations for height, size and location of development on any given site are found in Article 2. Each zoning district in Article 2 contains specific residential and nonresidential bulk requirements.
 - (b) **Residential Development:** All residential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulations of the zoning district in which they reside.
 - (c) **Nonresidential Development:** All nonresidential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulation of the zoning district in which they reside.
- (3) **YARD SETBACK ADJUSTMENTS:**
 - (a) **Front Yard Setback Adjustments:**
 1. **Wide Roads:** For lots located adjacent to a street with an officially mapped or existing right-of-way equal to or exceeding 100 feet, 40 feet of setback is required to address anticipated future conditions of noise and air quality.
 2. **Reductions:** The required front yard setback for any use may be reduced through the conditional use process for a principal structure on any lot where more than 50 percent of the same type of principal structures on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all the adjoining same type principal structures on said block face or street face.
 3. **Averaging:** In order to preserve and maintain the character of established neighborhoods within the Extraterritorial Zoning District with front yard setbacks substantially in excess of or substantially less than the minimum required front yard setback, the following regulation shall apply unless altered through the conditional use process. On block faces with an average front yard setback more than five feet over the minimum required front yard, the setback shall be increased to the average of the adjoining same type principal structures on said block face or street face. On block faces with an average front yard setback more than five feet less than the minimum required front yard, the setback shall be decreased to the average of the adjoining same type principal structures on said block face or street face.
 - (b) **Intrusions into Required Yards:**
 1. **General Standards:** The minimum setback requirements found in each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

1.505(3)(b)(1)

- a. Reductions:** No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
 - b. Lots Separate:** No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
 - c. Buffer yards:** In instances where the required buffer yard width (per Section 1.610) exceeds the minimum required setback width, the minimum required buffer yard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required buffer yard.
 - d. Front Yards:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.
- 2. Permitted Intrusions Into Required Front or Street Yards:** The following intrusions are permitted into front or street yards:
- a.** Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
 - b.** Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 1.514 and provided they do not locate closer than five feet from the front or street property line.
 - c.** Terraces, steps, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.
 - d.** Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 1.533.
 - e.** Landscape areas.
- 3. Permitted Intrusions Into Required Side or Rear Yards:** The following intrusions are permitted into rear or side yards:
- a.** Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
 - b.** Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 1.533.
 - c.** Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.
 - d.** Landscape areas.

- 1.505(3)(b)(3)
- e. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line
 - f. In neighborhoods that were platted before adoption of this Code (01/30/02), driveways may be located within the side yard setback and/or may extend across side yard property lines (e.g. shared driveways) provided that a written agreement,
 - (i) executed by the adjacent property owners, and
 - (ii) in a form recordable with the Register of Deeds, and
 - (iii) addressing the issues of storm water run-off, snow removal, parking, outside storage, and driveway maintenance, and
 - (iv) addressing any additional issues which, in the discretion of the Zoning Administrator, are created by the unusual characteristics of the property, is presented to and approved by the Zoning Administrator pursuant to the process for the issuance of zoning permits for permitted uses under 1.904. Upon approval of any such agreement, it shall be recorded with the Register of Deeds.

(4) **EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS:**

- (a) **Permitted Exceptions:** The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.
- (b) **Conditional Use Exceptions:** Any building or structure not otherwise accounted for by (a), above, may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.

1.506 **ACCESS STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto to public rights-of-way.
- (2) **PERMIT REQUIRED:** Each access drive onto a public street or right-of-way shall have a permit issued by the DPW.
- (3) **NUMBER OF ACCESS POINTS:**
 - (a) Each lot in a Residential District shall have not more than one access drive onto any adjacent street(s). Each lot in a Nonresidential District shall have not more than two access drives onto any adjacent street(s). More access drives may be approved by conditional use. Each permitted drive shall require approval and permitting by the DPW.
 - (b) In no instance shall any lot be permitted more than one access drive onto any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access drives may be required to be located on adjacent property or another street frontage.

- 1.506 (4) TYPES OF STREETS:** Residential uses shall not have access drives onto nonresidential collector or arterial streets unless such streets provides the only available frontage for access. Nonresidential uses shall not have access drives onto residential streets unless such streets provides the only available frontage for access.
- (5) ACCESS NEAR STREET INTERSECTIONS:** On all arterial or nonresidential collector streets, no access drive shall be located closer than 150 feet from the intersection of any two street rights-of-way. In all other cases, no access drive shall be located closer than 75 feet from the intersection of any two street rights-of-way. Access drives closer to intersections may be approved by conditional use. In all cases, access drives shall be located as far from an intersection as the lot size permits.
- (6) DISTANCE BETWEEN ACCESS DRIVES:** The minimum distance between access drives serving separate lots is established by the setback regulations in each zoning district. (See, Article 2). The minimum distance between two or more access drives serving the same property shall be 25 feet, as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the DPW, existing or projected traffic factors warrant a greater distance. Access drives closer to intersections may be approved by conditional use.
- (7) ANGLE OF INTERSECTION WITH PUBLIC RIGHT-OF-WAY:** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (8) DISTANCE FROM PROPERTY LINE:** Setbacks for driveways are established by the regulations for each zoning district. (See, Article 2).
- (9) WIDTH OF DRIVEWAYS:** All access drives shall have a minimum width of 10 feet for one- and two-family dwellings, and 18 feet for all other land uses, as measured at the lot line/right-of-way line. Access drives shall have a maximum width of 25 feet for all residential uses, and 36 feet for all non-residential uses, as measured at the lot line/right-of-way line. Through the conditional use process, access drives for non-residential units may be authorized to have a maximum width up to, but not exceeding, 50 feet. Access drives may be flared between the right-of-way line and the roadway up to a maximum of four additional feet (2 feet per side). (*Amended per Ord. No 1013-ET-1061*)
- (10) TRAFFIC CONTROL:** The traffic generated by any use shall be channeled and controlled in a manner which avoids congestion on public streets and other safety hazards. All off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be designed and constructed so that all traffic moving into and out of such areas shall be forward moving only, with no backing into streets or pedestrian ways. Traffic control devices, pursuant to the Manual on Uniform Traffic Control Devices and traffic engineering standards, shall be required subject to approval of the DPW.
- (11) DEPICTION ON REQUIRED SITE PLAN:** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 1.908.)
- (12) PAVING OF ACCESS:** All access approach areas located within a street right-of-way shall be paved to the satisfaction of the DPW with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the DPW.
- (13) DRAINAGE:** Driveways shall be designed and constructed to minimize the flow of storm water onto the street and to maximize the flow of storm water into the gutters, catch basins and other storm water drainage facilities. All driveway entrances shall be constructed as not to interfere with the drainage of streets, ditches and other storm water drainage facilities.

1.507 RESERVED FOR FUTURE USE

1.508 VISIBILITY STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting street rights-of-way and a chord connecting said rights-of-way, as determined by the DPW. Generally, the following standards shall apply:

Table 1.508: Vision Clearance Triangle Standards

Right-of-Way Width	Distance from Right-of Way Intersection
Less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
Greater than 82.5 feet	15 feet

- (3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:
 - (a) no signs, parking spaces, or structures shall be permitted,
 - (b) no earthwork in excess of 30 inches in height shall be permitted,
 - (c) no vegetation, fencing, nor other such obstructions, which exceed an opacity of 0.2 (see Section 1.610(4)(b)) and which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted
- (4) **DEPICTION ON REQUIRED SITE PLAN:** Except in the Central Business District where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 1.908.)

1.509 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. (Also see, Section 1.528, Drainage Standards, and Chapter 8, Article 3, Storm Water Drainage Ordinance).
- (2) **DEPICTION ON REQUIRED SITE PLAN:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 1.908.) Except as permitted by a conditional use permit, each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet from the access point to the primary area(s) it is designated to serve, as measured along the shortest walking distance between the access point and the parking space. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
- (3) **USE OF OFF-STREET PARKING AREAS:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale.

Within residential districts, required off-street parking spaces shall only be used by operable cars and trucks.

- 1.509 (4) TRAFFIC CIRCULATION AND TRAFFIC CONTROL:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) INSTALLATION AND MAINTENANCE:** All off-street parking and traffic circulation areas shall be completed, including surfacing, prior to building occupancy. Extensions within which to complete surfacing may be granted by the DPW or the Plan Commission, when weather or other special circumstances warrant an extension. All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 1.512.
- (6) DESIGN STANDARDS:**
- (a) Surfacing and Marking:** All off-street parking and traffic circulation areas (including all residential driveways—except those within the AG and RR Districts) shall be paved with a hard, all-weather surface, to the satisfaction of the DPW. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
 - (b) Curbing:** All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and location to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter.
 - (c) Lighting:** All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 foot candles is recommended for said areas, and said illumination level shall not exceed the standards of 1.514.
 - (d) Access:** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements.
 - (e) Stacking:** Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
 - (f) Minimum Permitted Throat Length:** The Table 1.509(6)(e) shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive:

Table 1.509(6)(f): Minimum Permitted Throat Length

Land Use	Type	Scale of Development	Type of Access Street		
			Collector	Arterial	
Residential	Any Residential	0-100 dwelling units	25 feet	-	
		101-200 dwelling units	50 feet	75 feet	
		201+ dwelling units	75 feet	125 feet	
Commercial	Office	0-50,000 gross sq. ft.	25 feet	50 feet	
		50,000-100,000 gross sq. ft.	25 feet	75 feet	
		100,000-200,000 gross sq. ft.	50 feet	100 feet	
		200,001+ gross sq. ft.	100 feet	150 feet	
	In-Vehicle Sales	0-2,000 gross sq. ft.	25 feet	75 feet	
		2,001+ gross sq. ft.	50 feet	100 feet	
	Indoor Entertainment	0-15,000 gross sq. ft.	25 feet	50 feet	
		15,000+ gross sq. ft.	25 feet	75 feet	
	Commercial Lodging	0-150 rooms	25 feet	75 feet	
		151+ rooms	25 feet	100 feet	
	Other Commercial Uses	0-25,000 gross sq. ft.	25 feet	50 feet	
		25,001-100,000 gross sq. ft.	25 feet	75 feet	
		100,000-500,000 gross sq. ft.	50 feet	100 feet	
		500,001+ gross sq. ft.	75 feet	200 feet	
	Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
			100,001-500,000 gross sq. ft.	50 feet	100 feet
500,000+ gross sq. ft.			50 feet	200 feet	
All Other Uses	6+ parking spaces		25 feet	50 feet	

- (g) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article 8.

- 1.509(6)**
- (h) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
 - (i) **Parking Space Design Standards:** Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 1.509(6)(k). The minimum required length of parking spaces shall be 17.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.
 - (j) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.
 - (k) **Landscaping:** Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section 1.604(3).
 - (l) **Parking Lot Design Standards:** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 1.509(6)(k) shown below. Additional design standards apply to “Group Developments.” (See Section 1.414).

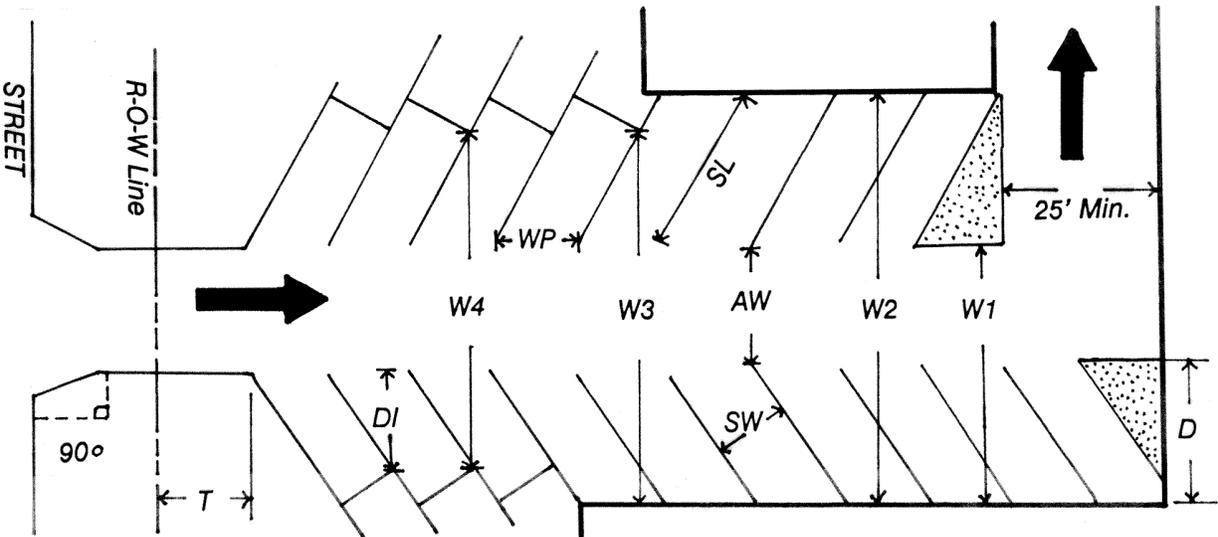
Table 1.509(6)(l): Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees (°)				
	0_ (parallel)	45_	60_	75_	90_
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' ¹	17.5' ¹	19.0' ¹	19.5' ¹	18.5' ¹
Stall Depth to Interlock (DI)	-	15.3'	17.5'	18.8'	-
Stall Length (including 1.5' curb overhang) (SL)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle Width (AW)	12.0' ²	12.0' ²	16.0' ²	17.20' ²	26.0' ²
Throat Length (right-of-way to parking angle) (T)	Refer to requirements in Table 1.704(7)(f).				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded) (W3)	-	44.8'	52.5'	61.3'	-
Interlock to Interlock (Double-Loaded) (W4)	-	42.6'	51.0'	60.6'	-

¹Parking spaces located behind an enclosed garage and located directly off a through aisle shall be at least 30 feet deep.

²This dimension represents (AW) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum (AW) of 26.0 feet.

Diagram for Table 1.509(6)(l): Typical Parking Layout Dimensions



(m) **Locational Prohibitions for Off-Street Parking Areas:**

1. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see Section 1.908).
2. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the DPW.

- (n) **Temporary Exception by Conditional Use:** Exceptions to the foregoing design standards may be granted by conditional use on a case-by-case basis. All exceptions granted hereunder shall be temporary, lasting only until the Joint Committee determines that the property must comply with the permanent requirements of this section. The Joint Committee may re-examine all or any part of a temporary exception at any time and for any reason. Such a re-examination may be initiated by the Committee, the property owner or any other person. The procedure for amending a previously-granted temporary exception shall be the same procedure used for amending a conditional use. If a previously-granted temporary exception is amended, the amending resolution shall state the date for compliance, which shall not be shorter than one (1) year from adoption of the resolution. Upon annexation of the property into the City, the City Plan Commission may exercise the authority granted hereunder. (*Amended per Ord. 968*)

1.509 (7) CALCULATION OF MINIMUM REQUIRED PARKING SPACES:

- (a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
- (b) **Joint and Off-Site Parking Facilities:**
1. Parking facilities which have been approved by the DPW to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
 2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 1.410(1).
 3. The applicant(s) for approval of a joint parking facility shall demonstrate to the DPW's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
 4. A legally binding instrument, approved by the City Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the City Clerk. A fee shall be required to file this instrument (see Section 1.935).
- (c) **Minimum Off-Street Parking Requirements for Land Uses:** The off-street parking requirements for each land use are listed in Article 4.
- (d) **Provision of Fee-in-Lieu of Parking Spaces Development:** Within the Central Business (CB) District, the parking requirements of this Chapter may be waived or modified by the Plan Commission, which may impose a fee-in-lieu of parking spaces.

1.510 RESERVED FOR FUTURE USE

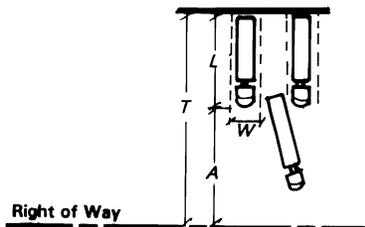
1.511 OFF-STREET LOADING STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **APPLICABILITY:** Any use which has a gross floor area of 5,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.
- (3) **LOCATION:** All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 1.506. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **SIZE OF LOADING AREA:** The first required loading berth shall be designed in accordance with Table 1.511(4). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

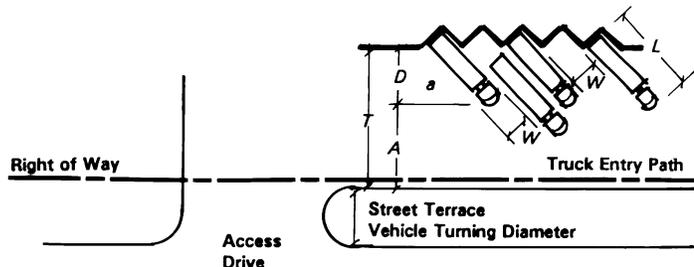
Table 1.511(4): Loading Standards

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

90 DEGREE DOCKS



SAWTOOTH DOCKS



- 1.511 (5) ACCESS TO LOADING AREA:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 1.509, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (6) SURFACING AND MARKING:** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (7) USE OF REQUIRED LOADING AREAS:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) LIGHTING:** All loading areas shall be lit so as to not exceed the standards of Section 1.514.
- (9) SIGNAGE:** All signage located within, or related to, loading areas shall comply with the requirements of Article 8.
- (10) DEPICTION ON REQUIRED SITE PLAN:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 1.908.)
- (11) CALCULATION OF REQUIRED LOADING SPACES:**
- (a) Indoor Institutional Land Uses:** One loading berth shall be required for each building having a gross floor area of 5,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
 - (b) Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses:** One loading berth shall be required for each building having a gross floor area of 5,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
 - (c) Office Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

1.512 EXTERIOR STORAGE STANDARDS

- (1) PURPOSE:** The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. (See also, Storage and Disposal Land Uses, Section 1.409)
- (2) EXTERIOR STORAGE OF RV'S, ATV'S, BOATS, SNOWMOBILES AND TRAILERS IN RESIDENTIAL ZONING DISTRICTS:** No person shall park or store recreational vehicles, ATV's, boats, snowmobiles, or trailers on a lot in a residential district, except within a fully enclosed structure or except as provided herein.
- (a) Definitions:** For the purposes of this Section, the following definitions shall apply:
 - All-terrain Vehicle (ATV):** The definition of an ATV provided in Section 340.01(2g) Wis. Stats. is adopted by reference, including all amendments thereto.
 - Boat:** Boat shall mean motor boats (whether or not a motor is actually on the boat), house boats, row boats, canoes and kayaks.
 - Recreational vehicle (RV):** Recreational vehicle shall mean motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping

trailers, travel trailers, tent campers, folding campers, carnival equipment and their trailers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.

Trailer: Trailer shall mean fifth-wheel trailers, utility trailers, boat trailers, snowmobile trailers, race car trailers, and ATV trailers.

- 1.512(2) (b) **Number:** The following sets forth the maximum number of RV's, ATV's, boats snowmobiles and trailers that can be stored or placed outside on a single residential lot:
- a. One RV, or
 - b. Two boats, with or without motors or trailers, or
 - c. One snowmobile not on a trailer, or two snowmobiles provided they are on the same trailer, or
 - d. One ATV not on a trailer, or two ATV's provided they are on the same trailer, or
 - e. Any two of items a. thru d. above.
- (c) **Location:** No RV, ATV, boat, snowmobile or trailer shall be parked or stored in a front yard or side yard, except on a hard-surfaced approved driveway. Items stored in a back yard shall be tightly covered with an earth-toned, neutral-colored tarp (e.g. not the common bright blue vinyl or other bright colors). Items stored in a driveway need not be covered.
- (d) **Setback:** No RV, ATV, boat, snowmobile or trailer shall be parked or stored closer than (3) feet to a side or rear lot line.
- (e) **Maintenance:** Each RV, ATV, boat, snowmobile and trailer parked or stored in the Extraterritorial Zoning District shall be maintained in working condition, reasonably ready for the effective performance of the function for which it was intended. RV's and trailers shall be roadworthy. Items which need repair before they are operable may not be stored in any yard.
- (f) **Licenses:** Items that require a license shall be properly licensed.
- (g) **Ownership:** No RV, ATV, boat, snowmobile or trailer shall be parked or stored outside unless such item is wholly owned by the property owner who shall be in residence at the property in question. If the property is rented, such storage shall be permitted to the tenant provided that such item is owned by the tenant.
- (h) **Hidden and Neat:** Each RV, ATV, boat, snowmobile or trailer shall be parked or stored as inconspicuously as possible on the property. The area around the RV, ATV, boat, snowmobile or trailer must be kept weed free and free of accumulation of other storage material and debris.
- (i) **Covers:** If the item is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
- (3) **EXTERIOR STORAGE IN OFFICE AND BUSINESS DISTRICTS:** In all office and business zoning districts (See Section 1.201 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.

- 1.512 (4) **EXTERIOR PARKING/STORAGE OF AUTOMOBILES AND TRUCKS IN RESIDENTIAL ZONING DISTRICTS:** No person shall park or store an automobile or truck in a residential zoning district (i) except within a fully enclosed structure, or (ii) except as provided below:
- (a) **Number:** Three(3) automobiles and/or trucks may be parked or stored on a residential lot.
 - (b) **Location:** Each automobile or truck shall be parked or stored on an approved, hard-surfaced driveway, so that each vehicle does not extend over the street right-of-way or public sidewalk.
 - (c) **Setback:** No automobile or truck shall be located closer than (3) feet to a side or rear lot line.
 - (d) **Ownership:** No automobile or truck shall be stored outside unless it is owned by the property owner who shall be a resident of the property in question, and unless it was last titled in the name of the property owner. If the property is rented, such storage shall be permitted to the tenant provided that the automobile or truck is owned by the tenant and was last titled in the name of the tenant.
 - (e) **Hidden and Neat:** The area around the automobile or truck shall be kept weed free and free of accumulation of other storage material and debris.
 - (f) **Covers:** If the item is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
- (5) **OUTDOOR STORAGE OF FIREWOOD:**
- (a) **Front Yard Prohibited:** No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
 - (b) **Stacking:** Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences, as used in this Section, shall not include hedges and other vegetation.
 - (c) **Debris Removal:** All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
 - (d) **Diseased Wood:** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
 - (e) **Volume Limitation:** Not more than either 3 cord of wood may be stored at any one time, and not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.
 - (f) **Covers:** If the wood is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
- (6) **STORAGE IN AGRICULTURAL DISTRICTS:**
- (a) **Run-Off:** No waste material such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters, shall be so located, stored or discharged in a way that would be likely to run-off, seep or wash into surface or ground waters.
 - (b) **Nuisances:** No waste material such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any

other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to be unsightly, dangerous or constitute a nuisance, shall be allowed to accumulate on any property.

- (c) **Firewood:** No more than fifteen (15) face cords of firewood may be stored on any parcel.

1.513 RESERVED FOR FUTURE USE

1.514 EXTERIOR LIGHTING STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) **APPLICABILITY:** The requirements of this Section apply to all exterior lighting in the Extraterritorial Zoning District, except for lighting installed by Lemonweir or Mauston within the rights-of-way of streets.
- (3) **DEPICTION ON REQUIRED SITE PLAN:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 1.908.)
- (4) **REQUIREMENTS:**
 - (a) **Orientation of Fixture:** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (b) **Intensity of Illumination:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot candles above ambient lighting conditions on a cloudless night.
 - (c) **Location:** Light fixtures shall not be located within required buffer yards.
 - (d) **Flashing, Flickering and other Distracting Lighting:** Flashing, flickering and/or other lighting which may distract motorists is prohibited. (Refer to Sections 1.807(1)(c),(d) & (e)).
 - (e) **Minimum Lighting Standards:** All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot candles.
 - (f) **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal non-conforming uses.
 - (g) **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 1.906.)

1.515 VIBRATION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of vibration which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) **DEPICTION ON REQUIRED SITE PLAN:** Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (See Section 1.908.)

- (4) **REQUIREMENTS:** No activity or operation shall cause or create earth borne vibrations in excess of the displacement values given below.
- 1.515 (5) **METHOD OF MEASUREMENT:** Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The Maximum permitted displacements shall be determined in each zoning district by the following formula

Formula: $D = K/f$

D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

- (6) **STANDARDS IN THE GENERAL INDUSTRIAL DISTRICT:** In the General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

Location	K
<i>On or beyond any adjacent lot line</i>	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

- (7) **STANDARDS IN THE HEAVY INDUSTRIAL DISTRICT:** In the Heavy Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

Location	K
<i>On or beyond any adjacent lot line</i>	
Continuous	0.030
Impulsive	0.060
Less than 8 pulses per 24-hour period	0.150
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

- 1.515 (8) **STANDARDS IN THE PLANNED INDUSTRIAL DISTRICT:** In the Planned Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

Location	K
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

1.516 **RESERVED FOR FUTURE USE**

1.517 NOISE STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of noise which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.
- (3) **REQUIREMENTS:** All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in Tables 1.517(3)(a) and (b) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District.

Table 1.517(3)(a): (Amended per Ord. 931)

Maximum Permitted Noise Level at Lot Line for Noise Radiated Continuously*

Zoning District	Increase in Noise Level over Ambient Level
RH, ER-1, SR-3, SR-4, TR-6, MR-8, MR-10	plus 3 dBA
NO, PO, PB, NB, GB, CB, PI	plus 5 dBA
AG, GI, HI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Table 1.517(3)(b) below shall be added to or subtracted from each of the decibel levels given in this Table.	

Table 1.517(3)(b):

Adjustment Factors for Maximum Noise Levels

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

- (4) **BURDEN OF PROOF:** Noises that were in effect as of the effective date of this Ordinance shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Ordinance shall be the responsibility of the noise producer.

1.518 AIR POLLUTION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of air pollution which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

(3) STANDARDS:

- (a)** The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.
- (b)** Emission of smoke or particulate matter of density equal to, or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
- (c)** Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- (d)** All applicable state and federal standards.

1.519 ODOR STANDARDS

- (1) PURPOSE:** The purpose of this Section is to regulate the creation of odor which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- (3) STANDARDS:** Except for (i) food preparation and cooking odors emanating from residential land uses, and (ii) odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), and (iii) odors commonly associated with farming operations, no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District.

1.520 RESERVED FOR FUTURE USE

1.521 ELECTROMAGNETIC RADIATION STANDARDS

- (1) PURPOSE:** The purpose of this Section is to regulate the creation of electromagnetic radiation which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) STANDARDS:** It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American

Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

1.522 GLARE AND HEAT STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of glare or heat which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare or heat created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **STANDARDS:** No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. (See also, Section 1.514) Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar systems regulated by Wisconsin Statutes 66.03 shall be entitled to the protection of its provisions.

1.523 RESERVED FOR FUTURE USE

1.524 FIRE AND EXPLOSION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) **STANDARDS:** Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residential or office zoning district, except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all State fire prevention codes.

1.525 TOXIC OR NOXIOUS MATERIAL STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the handling of toxic or noxious material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) **STANDARDS:**
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

1.526 WASTE MATERIAL STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the handling of waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities.
- (3) **STANDARDS:**
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious waste material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

1.527 RESERVED FOR FUTURE USE

1.528 DRAINAGE STANDARDS (Reserved for future use).

1.529 EXTERIOR CONSTRUCTION MATERIAL STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and the property value of certain zoning districts.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except for permitted land uses within the AG District and except as otherwise provided in this Section. (*Amended per Ord. 931 & 984*)
- (3) **STANDARDS FOR ALL RESIDENTIAL, OFFICE, COMMERCIAL, AND THE PI ZONING DISTRICTS:** Except for exposed foundations not to exceed three feet in height from the adjacent grade, all non-single family development located within the RH, ER-1, SR-3, SR-4, TR-6, MR-8, MR-10, NO, PO, NB, PB, GB, CB, and PI districts shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:
 - (a) any portion of the building or structure visible from adjacent residentially zoned property;
 - (b) any portion of the building or structure located within 50 feet of a public right-of-way; or,
 - (c) any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).The following exterior construction materials shall not be considered "high quality, decorative:" non-decorative block or cinder block, non-decorative concrete foundation walls or panels, corrugated or other metal with exposed fasteners (except exposed fasteners can be used in Industrial zoned districts), non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or other non-decorative surfaces as determined by the Joint Commission. (*Amended per Ord. 984*)
- (4) **TRADEMARK ARCHITECTURE:** Trademark architecture shall not be permitted.

- (5) **MATCHING BUILDINGS:** With the exception of farm buildings, accessory buildings shall be constructed and finished in a complimentary architectural style and with complimentary materials to the principal structure. The exterior (e.g. walls, roofs, windows and doors) of all buildings on a single lot shall be of similar material, color, quality and texture.
- (6) **EXCEPTIONS:** The Conditional Use Process (per Section 1.905) may be used to propose the use of a material otherwise prohibited by subsections (3) or (5) above.

1.530 ROOF AND EAVE STANDARDS

- (1) **ROOFS:** The roof on all principal residential buildings shall have a minimum roof pitch of 5:12, except the roofs over the following parts of residential structures may have a lesser pitch: porches, decks, dormers, and breezeways.
- (2) **EAVES:** All residential structures shall have a minimum eave width of 16 inches (not including the width of any gutter or other apparatus affixed to the eave or roof edge). *(Amended per Ord. 984)*
- (3) **EXCEPTIONS:** The rules of subsections (1) or (2) above shall not apply to buildings located in Mobile Home Parks (Section 1.405(11)). In all other zoning districts, the rules of subsections (1) and/or (2) may be modified by the Committee through the granting of a Conditional Use. *(Amended per Ord. 931)*

1.531 RESERVED FOR FUTURE USE

1.532 HAZARDOUS MATERIALS STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to provide information regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
 - (a) Micro-Organism Cultures subject to Wisconsin Statutes 94.65;
 - (b) Pesticides subject to Wisconsin Statutes 94.67(25);
 - (c) Biological Products subject to Wisconsin Statutes 95.39;
 - (d) Hazardous Substances subject to Wisconsin Statutes 100.37(1)(c);
 - (e) Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);
 - (f) Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);
 - (g) Any material for which the State of Wisconsin requires notification of a local fire department; or
 - (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous or related materials regulations.
- (3) **STANDARDS:** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. (See Section 1.908)

1.533 FENCING STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities, except for fences in the AG and RR Districts.**1.533**
- (3) **STANDARDS:**
 - (a) **Materials:** *(Repealed and recreated per Ord. 931)*

1. **Residential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wiring fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
 2. **Nonresidential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted, except that security fences may include up to 4 strands of barbed wire on top of the fence provided that (i) the lowest strand of barbed wire is at least 8 feet above grade, (ii) the entire structure, including any outward projecting barbed wire supports, shall stay within the property lines, and (iii) the total height of the barbed wire portion of the fence shall not exceed 2 feet. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque. (*Amended per Ord. 1005.*)
 3. **Temporary Fencing:** Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.
 4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.
- (b) **Location:** On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
- (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
1. 3 feet within a front yard setback;
 2. 6 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
 3. 8 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.
- (d) **Orientation:** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (e) **Maintenance:** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (f) **Swimming Pools:** Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI).

1.534 **RESERVED FOR FUTURE USE**

1.535 SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES) STANDARDS

- (1) **PURPOSE:** This Section, regulating the placement of all signal receiving antennas is adopted to:
 - (a) Provide uniform regulation of all signal receiving antenna devices;
 - (b) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (c) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (d) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (2) **PERMIT REQUIRED:** No owner shall, within the Extraterritorial Zoning District, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.
- (3) **DEFINITIONS:**

Signal receiving antenna: Any apparatus capable of receiving communications from a transmitter on earth or a transmitter relay located in a planetary orbit, including the tower and associated structure and apparatus employed to secure, hold, elevate or mount the antenna. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.

Owner: The holder of fee title, or of a life estate, in real property, or a vendee of record under a land contract, but not including the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (4) **APPLICATION:** Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee (see Section 1.935) and a sufficient set of mounting plans and specifications, including a general plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (5) **INSTALLATION STANDARDS:** Signal receiving antennas installed in any zoning district within the Extraterritorial Zoning District shall comply with the following provisions:
 - (a) **Site Location:**
 1. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.
 2. Subject to the provisions herein, signal receiving antennas shall be located in the rear yard of the lot, as close to the principal structure as is reasonably possible. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot, as close to the principal structure as is reasonably possible. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna shall be placed in as hidden a place as possible, as viewed from the standpoint of a non-owner, to be determined by the Zoning Administrator. For corner lots, a side yard is only a yard that does not face a street.
 3. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall inspect the property before installation to determine

the appropriate location pursuant to subparagraph 2 above. In making such determination, the Zoning Administrator shall consider the locations on the property where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

- 1.535(5)
- (b) **Mounting:** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (c) **Diameter:** The diameter of an antenna shall not exceed 30 inches in diameter, provided that larger antennas may be allowed by conditional use.
 - (d) **Height:**
 - 1. **Ground-mounted:** A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed (i) eighteen (18) feet in height, or (ii) 5 feet above the highest point of the principal structure, whichever is higher, as measured from the ground to the highest point of the antenna.
 - 2. **Roof-mounted:** A roof-mounted antenna may not exceed five (5) feet in height above the surrounding roof line as measured from the highest point of the existing roof line.
 - (e) **Wind Pressure:** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) MPH.
 - (f) **Electrical Installations:** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (g) **Temporary Placement:** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
 - (h) **Advertising:** No form of advertising, picture, or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (i) **Interference with Broadcasting:** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

- (j) **Compliance with Federal Regulations:** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder. Nothing herein shall be construed to be inconsistent with the State and/or Federal regulations of antennas, and to the extent that any of the provisions herein conflict with such regulations, then these provisions shall not apply but only to the extent needed to conform with such State or Federal regulations.
- (k) **Aesthetic Considerations:** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level. All antennas shall be painted a metallic or neutral color.
- (6) **ENFORCEMENT:**
 - (a) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common Council or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (b) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1.936.

1.536 WIND ENERGY CONVERSION SYSTEMS (WECS) STANDARDS

- (1) **CONSTRUCTION OF WIND ENERGY SYSTEMS:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (2) **PERMITS REQUIRED:**
 - (a) A zoning permit shall be obtained to allow construction of a WECS.
 - (b) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS.
- (3) **APPLICATION REQUIREMENTS:** An application for a permit to build a wind energy system shall include the following:
 - (a) The property lines of the proposed site of construction.
 - (b) Proposed location of the WECS.
 - (c) Location and description of all structures located on the property where the WECS site is proposed.
 - (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (e) Location of all underground utility lines on the property where a WECS site is proposed.
 - (f) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (4) **BLADE CLEARANCE:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

- (5) **CLIMBING TOWERS, TOWER ACCESS:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (6) **TOWER CONSTRUCTION:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.
- (7) **UTILITY INTERCONNECTION:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (8) **SETBACK REQUIREMENTS:**
 - (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
 - (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (9) **NOISE:** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of Sections 1.515 and 1.517
- (10) **INTERFERENCE WITH NAVIGATIONAL SYSTEMS:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (11) **ELECTRICAL DISTRIBUTION LINES:** All WECS electrical distribution lines shall be located underground.
- (12) **REQUIRED SAFETY FEATURES:**
 - (a) All WECS shall be designed with an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic over speed control.
 - (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.
- (13) **MAINTENANCE:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (14) **INSPECTIONS:** A yearly inspection, at a fee to be determined from time to time by resolution of the Common Council, shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

1.537 SWIMMING POOL STANDARDS

- (1) **DEFINITION:** A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet, located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land, designed or intended for swimming. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (2) **EXEMPT POOLS:** Storable children's swimming or wading pools, with a maximum diameter of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this Section.
- (3) **PERMIT REQUIRED:** Pools are a type of land use covered by Article 4 (See, Sections 1.407(2) & (3) and 1.412(5), (15), & (26)) which are allowed as permitted uses or conditional uses under the different standard zoning districts of Article 2, pursuant to the procedures of Article 9.
- (4) **CONSTRUCTION REQUIREMENTS:** A permit for a swimming pool shall not be issued unless the following construction requirements are observed:
 - (a) **Approved materials:** All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all State regulations and codes and with any and all ordinances of Lemonweir now in effect or hereafter enacted.
 - (b) **Plumbing:** All plumbing work shall be in accordance with all applicable ordinances of Lemonweir and all State codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (c) **Electrical Installations:** All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the State laws and Lemonweir ordinances regulating electrical installations.
- (5) **SETBACKS AND OTHER REQUIREMENTS:**
 - (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (b) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

1.537 (6) **ENCLOSURES:**

- (a) **Fence; In-Ground pools:** All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (b) **Above-Ground Pools; Pool Wall Barrier:**

1. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
2. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.
- (7) **COMPLIANCE:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Zoning Administrator or designee for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (8) **DRAINING AND APPROVAL THEREOF:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the DPW.
- (9) **FILTER SYSTEM REQUIRED:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (10) **DIRT BOTTOMS PROHIBITED:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

1.538 RESERVED FOR FUTURE USE

1.539 DESIGN REQUIREMENTS FOR LARGE DEVELOPMENTS

All new institutional, commercial, and office developments exceeding 5,000 square feet of gross floor area shall be considered "Group Developments" and shall comply with all requirements of Section 1.414. All uses classified as group developments require a conditional use permit per Section 1.905. These conditions shall also be applied to all building additions to existing buildings which brings the total buildings size to over 5,000 gross square feet. Such conditions shall apply to both new development and to portions of development prior to the adoption of this ordinance. This 5,000 square foot limit shall apply to individual free-standing buildings and to multiple-building developments in which the combined total of all structures within a development (regardless of diverse plotting, use, or tenancy) combine to more than 5,000 gross square feet.

1.540 SUBSTANDARD LOT REGULATIONS

- (1) **PROHIBITION:** Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of this Chapter or which does not meet the lot dimension requirements of this Chapter.
- (2) **PRE-EXISTING LOTS:** A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the Minimum Zoning District Area or the Minimum Lot Area (MLA) requirements of Article 2, or which does not meet the lot dimension requirements of Article 2 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more

intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

- (3) **DIVISION OR COMBINING OF A LOT:** No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located. (See also the Land Division Regulations.)

1.541 NONCONFORMING STRUCTURE AND BUILDING REGULATIONS

- (1) **EXISTING STRUCTURES:** Any structure or building that complies with all existing regulations upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) **UNSAFE STRUCTURES:** Nothing in this Chapter shall preclude Mauston or Lemonweir from pursuing remedial or enforcement actions when said structure or building is declared unsafe.
- (3) **MODIFICATIONS:** When any lawful nonconforming structure or building in any district is modified, any modification shall be in conformance with the provisions of this Chapter.
- (4) **DESTRUCTION OF NONCONFORMING STRUCTURES:** A legal nonconforming building or structure, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the structural nonconformity is continued thereafter, provided all of the following conditions are met: (*Amended per Ord. 984*)
- (a) the total cost of all the repairs (both structural and non-structural) shall not exceed 50% of the assessed value of the building or structure (excluding the assessed value of the land); and
 - (b) the repairs shall be completed within 1 year from the date of disaster which caused the damages, unless extended by conditional use; and
 - (c) the owner demonstrates, through the conditional use process, that the proposed repairs have been designed to eliminate or diminish the structural nonconformities wherever the structural nonconformities can be reasonably eliminated or diminished without causing unreasonable financial hardship to the owner and without causing unreasonable diminution in the utility of the structure. Nothing herein shall be construed to permit the repair of a building or structure which has contained or which is intended to contain a nonconforming use after the repairs are completed. (For regulations dealing with “Destruction of Non-conforming Uses,” see 1.403(6)).
- (5) **MAINTENANCE AND REPAIRS:** Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.
- (6) **ALTERATIONS:** Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 1.910.

- 1.541 (7) GARAGES:** A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:

- (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure; and
 - (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel); and
 - (c) That precautions (determined on a case-by-case basis by the Zoning Administrator) are taken to reduce the possibility of fire damage to nearby structures.
- (8) **ISSUED BUILDING PERMITS:** Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 365 days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building. Extensions to these time limits may be granted by the Plan Commission for good cause.
- (9) **BLANKET VARIANCE FOR NONCONFORMING RESIDENCES:** A variance for any and all requirements of this Article is hereby automatically granted to all legal nonconforming residential dwellings in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 1.910. Rationale: This "blanket variance" is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of this provision ensures that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

1.542 ADMINISTRATION & ENFORCEMENT OF PERFORMANCE STANDARDS

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.
- (2) Enforcement of the provisions of this Article shall be per Section 1.936.