

ZONING CODE

CHAPTER 18

ZONING CODE

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18.01 DEFINITIONS.

For the purpose of this chapter, certain terms of words used herein shall be interpreted as follows:

The word "PERSONS" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "SHALL" is mandatory; the word "MAY" is permissive.

The words "USED" or "OCCUPIED" include the words, "INTENDED, DESIGNED, OR ARRANGED TO BE USED OR OCCUPIED".

The word "LOT" includes the words "PLOT OR PARCEL".

- (1) ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with and of a nature customarily incidental or subordinate to, the principal use of structure.
- (2) AUTOMOBILE SERVICE STATION. A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail and where minor repair service is rendered.
- (3) BOARD. The Board of Appeals of the City.
- (4) BOARDING HOUSE. A building other than a hotel, where lodgings or lodgings and meals are provided for compensation for more than 3 persons.
- (5) DWELLING, ONE-FAMILY. A building containing one dwelling unit only.
- (6) DWELLING, TWO-FAMILY. A building containing 2 dwelling units only.
- (7) DWELLING, MULTIPLE-FAMILY. A building containing 3 or more dwelling units.
- (8) DWELLING UNIT. One or more rooms, including cooking facilities and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes. This does not include trailers or mobile homes as defined in subsection (9) following.

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- (9)(a) TRAVEL TRAILER, MOTOR HOME OR OTHER CAMPING UNIT. A dwelling used for sleeping, cooking and sanitary purposes.
- (b) MOBILE HOME AND DOUBLE WIDE UNITS. Factory manufactured dwelling build according to mobile home standards.
- (c) MODULAR UNITS. Factory manufactured dwelling subject to uniform dwelling codes.
- (10) ESSENTIAL SERVICES. The erection, construction, alteration or maintenance, by public utilities, telephone, or municipal or other governmental agencies, or underground or overhead gas, electrical, steam, water or sewage, transmission or distribution systems, including buildings, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, municipal or other governmental agencies or for public health, safety or general welfare.
- (11) FAMILY. One or more persons occupying a single housekeeping unit or using common cooking facilities, provided that, unless all members are related by blood or marriage, no such family shall contain over 5 persons.
- (12) GARAGE, PRIVATE. A building used primarily for private vehicle storage.
- (13) GARAGE, PUBLIC. Any garage other than a private garage, which is open to the public and used for the storage or repair of motor vehicles.
- (14) GROSS FLOOR AREA. The total maximum area of all stories of a building measured to include the outside walls.
- (15) HEIGHT OF BUILDINGS. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs, but not including church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, or parapet walls.
- (16) HOME OCCUPATION. An incidental or accessory use of a dwelling unit or accessory building for gainful employment involving the manufacture, provision or sale of goods and/or services.
- (17) HOTEL/MOTEL. A building designed for occupancy as the temporary residence of individuals who are lodged with or without provisions for cooking.
- (18) LOT. A parcel of land.
- (19) LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining the yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be

provided as indicated under yards in this section.

(20) LOT MEASUREMENTS.

- (a) Area. The total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh, or beyond the rim of a river bank, watercourse or lake, or between the top and toe of a cliff or embankment of 30 degrees or more from horizontal.
- (b) Depth. The mean horizontal distance between the front and rear lot lines.

(21) LOT TYPES.

- (a) Corner Lot. A lot situated at the intersection of and abutting upon 2 or more streets, provided that the enclosed angle of intersection of such streets is not more than 135 degrees.
- (b) Reversed Corner Lot. A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.
- (c) Interior Lot. A lot other than a corner lot with only one frontage on a street other than an alley.
- (d) Through Lot. A lot other than a corner lot with frontage on more than one street other than an alley.

(22) MARINA. An area for the docking and servicing of boats, yachts and small craft which may include as accessory uses a motel, bar, cocktail lounge, restaurant, and facilities for minor repairs to boats.

(23) PLANNED DEVELOPMENT GROUP. A group of 3 or more principal buildings designed to be maintained and operated as a unit in single ownership or control, and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas.

(24) PROFESSIONAL OFFICE. The office of a member of a recognized profession, including the offices of doctors, or physicians, dentists, optometrists, ministers, architects, professional engineers, lawyers, and such other similar professional occupations.

(25) SIGN. A "SIGN" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly, upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business but does not include any display of official court or public office notices nor any official traffic control device, nor does it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A "SIGN" does not include a sign located completely within an enclosed building. Each display surface of a sign shall be considered to be a "SIGN".

- (26)SIGN, SURFACE AREA. The entire space within a single continuous perimeter enclosing the extreme limits of a sign except that such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- (27)STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- (28)STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, billboards and poster panels.
- (29)TOWN HOUSE. A structure containing a number of dwelling units each separated by vertical interior unpierced walls.
- (30)YARD. A required open space unoccupied and unobstructed by any structure or portion of a structure from 30' above the general ground level of the graded lot upward, provided however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.
- (31)YARD, FRONT. A yard extended across the front of a lot.
- (32)YARD, SIDE. A yard extending from the rear line of the required front yard to the front line of the required rear yard.
- (33)YARD, REAR. A yard extending across the rear of the lot.

18.02 ESTABLISHMENT OF ZONES AND ZONING MAP.

- (1) ESTABLISHMENT OF ZONES. The City is divided into the following zones:
 - (a) R-1 Residential, low density.
 - (b) R-2 Residential, medium density.
 - (c) R-3 Residential, one and two family.
 - (d) R-4 Residential, multiple family.
 - (e) R-5 Residential, mobile homes.
 - (f) C-1 Commercial, general.

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- (g) C-2 Commercial, classified.
- (h) C-3 Commercial, highway.
- (i) C-4 Commercial, waterfront.
- (j) M-1 Manufacturing, enclosed.
- (k) M-2 Manufacturing, open storage.
- (l) M-3 Manufacturing, classified.
- (m) P Public and semi-public.
- (n) A Agricultural
- (o) WR-1 Waterfront Residential, low density.
- (p) WR-2 Waterfront Residential, medium density.
- (q) WR-3 Waterfront Residential, 1 and 2 family.
- (r) WR-4 Waterfront Residential, multi-family.
- (s) WM-1 Waterfront Industrial, enclosed.
- (t) WM-2 Waterfront Industrial, open storage.
- (u) Historic District - District Zone: HD
- (v) Business Park B-1
The authorized and permitted usage, setbacks, lot size, building regulations and other zoning controls are set forth in the annexed schedule attached and is made part of this section.

Requirements: Permitted Principal Use Accessory Use Yard Dimensions
Maximum Building Height Maximum Lot Coverage Distance From R
Zones. All requirements for a property will be handled on a case by case
basis by the Historic Preservation Committee, established by and
according to the guidelines contained in Section 18.07 of the Municipal
Code.

Special Zoning – Shanty Area

All requirements relating to use, yard dimensions, building heights, set
backs and lot coverage relating to a parcel of land described as 31 201
GL3-26 8, will be approved by the Planning Commission upon submission
of plans and specifications that preserve and enhance the appearance of

the Shanty Area.

- (2) ZONING MAP. The zones established in sec. 18.02 are delineated on the zoning map, which together with all explanatory matter thereon declared to be a part of this section. Regardless of the copies of the zoning map which may be published, a zoning map which shall be the final authority for the correct zoning status of all land within the City shall be located in the office of the City Clerk.
- (3) SCHEDULE OF CONTROLS. The authorized and permitted usage setback regulations, sizes of lots, building regulations and general zoning controls are set forth in an annexed schedule which is annexed hereto and incorporated herein and made a part of this section. (a) Schedule of Controls Amendments.

18.03 RULES FOR INTERPRETATION OF ZONE BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries, indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following City limits shall be construed to be midway between the main tracks.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subs. (1)-(5) above shall be construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

18.04 VACATION OF PUBLIC WAYS.

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zone adjoining each side of such street, alley or public way shall be extended automatically to the center of such vacation and all the area included in the vacation shall then be subject to all regulations of the extended zone.

18.05 ZONE REGULATIONS.

- (1) No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure, or part thereof, except in conformance with the following regulations.
- (2) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space, similarly required for any other building.
- (3) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein.
- (4) No lot, yard, parking area, building area, or other space shall be created, sold, or conveyed in any manner which does not conform with the minimum building requirements for building upon said spaces as set forth herein.
 - (a) Exceptions. The provisions of this section shall not apply to:
 1. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter, the Zoning Code or other applicable laws or ordinances.
 2. Easements.
 - (b) Variance. The Board of Zoning Appeals may grant a variance upon proper application.

18.06 SUPPLEMENTARY ZONE REGULATIONS FOR CERTAIN PERMITTED USES.

- (1) ESSENTIAL SERVICES. Essential services shall be permitted in any zone provided that:
 - (a) The use, building or structure shall be in compliance with the height, coverage and yard regulations prescribed for such a zone.
 - (b) In an R-zone, no exterior storage of goods, materials or equipment shall be permitted and any building erected or used under the provisions of this clause shall be of a character and maintained in general harmony with residential buildings permitted in the zone.
 - (c) In any R-zone, any land use for essential services shall be landscaped in accordance with Sec. 18.07(5).

(2) HOME OCCUPATION.

(a) Introduction and Purpose. It is the intent of this section to eliminate as home occupations all uses except those that conform to these standards. The standards in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood. Home occupations conducted in a dwelling or accessory building are those, which have traditionally been found in the home. Home occupations shall be conducted in a manner that is clearly secondary to the residential use of the lot or lots on which located.

(b) Necessary Conditions. Home occupations are permitted accessory uses in all residential and agricultural zones as long as all of the following conditions are observed:

1. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the gross floor area of a dwelling unit may be used in its conduct.
2. The use of an accessory building for a home occupation may be acceptable, provided that the accessory building does not exceed 25% of the gross floor area of the dwelling unit, exclusive of any garages or other nonliving area attachments such as porches, sheds, etc.
3. New construction for the purpose of conducting a home occupation is prohibited.
4. There shall be no change in the outside appearance of the building or premises other than the one sign allowed to show evidence of use.
5. Only 1 home occupation is permitted per residential or agricultural lot or lots belonging to an individual owner or immediate family.
6. No more than 1 nonresident person may be employed by a home occupation.
7. Outdoor storage of any kind in connection with the practice of a home occupation is prohibited.
8. Outside display of goods or products is prohibited unless approval for such display is granted by the City Planning Commission after study of the request and public input from the residents of the neighborhood in which the home occupation is located.
9. No home occupation shall cause a burden on any municipal utility to a point that

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the municipal services cannot adequately serve the residents of the neighborhood in which the home occupation is located.

10. No home occupation shall generate a frequent demand for more than 3 parking spaces, either on the lot or on the street beyond the lot.
 11. Machinery, mechanical equipment, tools or other appliances which create visible or audible interference in radio and/or television receivers or cause fluctuations in line voltage outside the dwelling unit or which create noise, vibration, or odor not normally associated with residential uses shall be prohibited.
 12. There shall be no reflection or radiation either directly or indirectly of glare or heat beyond the lot on which the home occupation is located.
 13. No home occupation shall be operated in violation of Chapter 11.
 14. No home occupation shall be permitted if a change in the fire rating of the structure of the fire district in which the structure is located occurs.
- (c) Permitted Home Occupations (Not Exclusive). The following home occupations are permitted within the City provided that they comply with all the above conditions and the following:
1. Dressmakers; seamstresses and tailors.
 2. Teachers of music, dance and other special education limited to 1 pupil at a time except for occasional groups.
 3. Home crafts such as model making, rug weaving, lapidary work, toy making, knitting, furniture upholstery or refinishing.
 4. Babysitting, limited to 3 children at one time.
 5. Office facilities of a realtor, insurance agent, land surveyor, tax consultant or similar professional.
 6. Office facilities of a salesman, sales representative, or manufacturing representative, provided that no retail or wholesale transactions are made on the premises.
 7. Office facilities of a minister, rabbi, or priest.
 8. Bed and Breakfast facilities.

(d) Conditional Home Occupations (Not Exclusive). The following home occupations may

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be permitted by the City Planning Commission if after careful consideration, neighborhood input, and study of potential problems, the Commission feels that the home occupation will not adversely affect the safety, character, or condition of the neighborhood or the interests of the people who reside in the neighborhood of the proposed home occupation:

1. Repair shops or service establishments including, but not limited to, small electrical appliances, typewriters, cameras, watches and jewelry, or television and radio repair.
 2. Photo studios and antique shops.
 3. Vegetable sales and roadside stands for the sale of produce goods.
 4. Workshops of electricians, carpenters, cabinetmakers or similar tradesmen.
 5. Small engine repair shops including, but not limited to repair of lawnmowers, rototillers, snow blowers, and other small engine equipment.
- (e) Prohibited Home Occupations (Not Exclusive). The following uses shall not be permitted as home occupations. Such uses are unacceptable due to their hazardous nature, disruptive effects, excessive traffic generation, aesthetic conflict with the residential usage or tendency to increase in size beyond the limits permitted for home occupations:
1. Automobile, truck, or large equipment repair.
 2. Snowmobile or motorcycle repair.
 3. Painting of vehicles, trailers, or boats.
 4. Welding and/or metal fabrication shops.
 5. Trailer rentals for hauling purposes.
 6. Barbershops or beauty parlors.
 7. Funeral chapels or funeral homes.
 8. Medical or dental clinics or hospitals.
 9. Stables, kennels or animal hospitals or shelters.
 10. Dancing schools except those already allowed in permitted uses.
 11. Nursery schools.

12. Private clubs.

13. Flower shops or gift shops.

14. Restaurants and eating establishments.

(3) TOWN HOUSES. The following standards and not those in the schedules of regulations shall apply to the construction of town houses:

- (a) The overall density shall not exceed 25 dwelling units per acre.
- (b) The average lot width for each row of town houses shall be 20', however, no individual lot shall be narrower than 18'.
- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed 50% and no individual lot shall be covered more than 60%.
- (d) The average front yard setback shall be 20' but no building shall be located closer to the front property line than 15'.
- (e) Side yards of not less than 20' in width shall be provided at least every 160'.
- (f) The rear yard shall not be less than 20% of the depth of the lot.
- (g) No structure shall be higher than 3 stories or 45'.

(4) PLANNED DEVELOPMENT GROUPS. Planned development groups shall be permitted in appropriate zones only after specific approval by the Plan Commission and the Council.

(a) Applications.

- 1. The application shall show the proposed use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian traffic, parking public uses such as schools and playgrounds, landscaping and other open spaces, architectural drawings and sketches showing design of structures and their relationship, and such other information as may be requested by such bodies for a determination that it is desirable to deviate from certain other provisions of this chapter.
- 2. The application shall be referred to the Engineering and Inspection Departments for 30 days for examination of the application for compliance with all applicable ordinances. Where deemed advisable by either department, all information required for preliminary plats of subdivision may be required in the application for a planned development group.

(b) Regulations. The following regulations shall apply:

1. Spacing and Orientation of Building Groups.

A. Residential

- i. Walls containing main window exposures or main entrances shall be oriented to insure adequate light and air exposures.
- ii. Buildings shall be so arranged to avoid undue exposure to concentrate loading or parking facilities and shall be so oriented to preserve visual and audible privacy between adjacent buildings.
- iii. A building wall containing windows and an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the 2, but in no case less than 25'.
- iv. A building wall containing only windows or only an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the 2, but in no case less than 25'.
- v. A building group shall not be arranged so that any temporary or permanently inhabited building is inaccessible to emergency vehicles.

B. Commercial and Industrial.

- i. Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.
- ii. A building group shall not be so arranged that any permanently occupied building is inaccessible to emergency vehicles.

2. Circulation.

- A. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off street parking and loading space.
- B. There shall be an adequate amount, in a suitable location of pedestrian walks, malls and landscape spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places, from general vehicular circulation facilities.
- C. Building and vehicular circulation open space shall be arranged so that pedestrian moving between buildings is not unnecessarily exposed to vehicular traffic.

3. Paving and Drainage. There shall be adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust.
4. Signs and Lighting. Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.

18.07 SUPPLEMENTARY ZONE REGULATIONS AND DEVELOPMENT STANDARDS.

(1) YARD REGULATIONS.

- (a) Projections Into Required Yards. Certain architectural features may project into required yards as follows:
1. Cornices, canopies, eaves or other similar architectural features, and porch stoops, may project into required yards a distance no more than 2-1/2'.
 2. Bay windows, balconies, fireplaces, fire escapes and chimneys, may project no more than 3'6", provided that such features do not occupy, in the aggregate, more than 1/3 of the length of the building wall on which they are located.
- (b) Front Yards for Corner Lots. A front yard of the required depth shall be provided on one of the 2 frontages and a second front yard shall be provided on the other frontage.
- (c) Exception to Required Front Yard Dimension. In R-zones, notwithstanding the required front yard dimensions, a building shall conform to the average of the setbacks of the 2 adjacent principal buildings in the same block, or if there is only one adjacent principal building in the same block the setback of that principal building shall govern.
- (d) Minimum Side Yard Width. Where a side yard to a principal building is provided, although not required by the Schedule of Zone Controls, it shall not be less than 4' in width unless it abuts a street or alley.
- (e) Dwelling Over or Behind Other Permitted Uses. The horizontal distance between the rear lot line, and the rear wall of a dwelling unit on any floor of the building, shall be not less than 25'.
- (f) View Obstruction. No building, sign, billboard, tree, shrub, close set fence or hedge exceeding 3' in height above sidewalk level, or anything that will obstruct the view, shall be erected on, or moved into the land lying between the prevailing front yard set back line and any street within the City.
- (g) Structures such as ramps and landing, lifts and elevator housings designed to comply with the Americans with Disabilities Act requirements which are necessary to make buildings accessible, and for where there are no feasible alternative locations, shall be exempt from the minimum yard and setback requirements.

(2) ACCESS TO SERVICE STATIONS, PUBLIC GARAGES AND PARKING AREAS. No

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service station, public garage or parking area for more than 25 vehicles shall have an entrance or exit for vehicles on the frontage of any block which also contains an entrance or exit to a park, playground, public, private or parochial school, children's or old people's home.

- (3) **VISIBILITY AT INTERSECTIONS.** On a corner lot in all zones except C-1 nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 3' and 10' above the center-line grades of the intersecting streets in the area bounded by the curb lines of such corner lot a line joining points along curb lines 40' from the point of the intersection of the curb lines.
- (4) **LIMITED NUMBERS OF BUILDINGS.** There shall be not more than one principal dwelling and 2 accessory structures, including a private garage, on each lot in any R-zone except as provided in sec. 18.06(4).
- (5) **LANDSCAPING REGULATIONS.** Any use required by this chapter to be landscaped in accordance with this section shall be contained within a fence or wall 6' high, or a visual screen consisting of evergreen, or evergreen type hedges or shrubs, spaced at intervals of not more than 6', located and maintained in good condition within 15' of the property line.
- (6) **OPEN STORAGE.** Open storage uses shall be governed by the following provisions:
 - (a) **Inflammable and Explosive Liquids.** Except as provided in Ch. 14 of this Code no highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliance located on the same premises as the tanks or drums of fuel is excluded from this provision.
 - (b) **Landscaping.** All open storage shall be landscaped in accordance with sub. (5).
 - (c) **Deposit of Wastes.** No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents, insects or animals shall be stored outdoors only in closed containers.
 - (d) **Industrial Park Regulations.** See sec. 18.16.
- (7) **PERFORMANCE STANDARDS.**
 - (a) **Sound.** The Volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
 - (b) **Vibration.** An operation which creates intense earth-shaking vibrations, e.g., heavy

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drop forges, heavy hydraulic surges, shall be set back:

- 1. In M-1 and all C-zones a distance of not less than 500' from the zone boundaries.
- 2. In an M-2 zone a distance of not less than 500' from the zone boundaries.
- (c) Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business, shall be permitted.
- (d) Glare. No direct or reflected glare from any M-zone shall be detectable from any R-zone boundary.
- (e) Heat. No direct or reflected heat from any M zone shall be detectable from any R or C zone boundaries.
- (f) Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
- (g) Smoke. No smoke shall be emitted from any M or C zone in such quantity as to become a nuisance to uses in any R-zone.
- (h) Industrial Park Regulations. Refer to Sec. 18.16.
- (8) OFF STREET LOADING. In all zones, in connection with buildings occupied by industrial, commercial, and certain institutional uses, there shall be provided and maintained, on the same lot with such building, off street loading berths in accordance with the requirement of the following table.
 - (a) Size and Location. Each loading space shall be not less than 10' in width, 35' in length, and have a minimum vertical clearance of 14', and may occupy all of any part of any required yard.
 - (b) Required Number of Off Street Loading Spaces.

USE	SQ. FT. OF GROSS FLOOR AREA	REQUIRED OFF STREET LOADING SPACE
School	_____	1
Hospital	Under 10,000	None
	From 10,000-30,000	1
	For each additional 30,000 or major Fractional thereof	1 additional
Funeral Home	_____	1

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Office, Hotel	Under 10,000	None
Retail Service	From 10,000-25,000	1
Wholesale	From 25,001-40,000	2
Warehouse	From 40,001-60,000	3
Manufacturing	From 60,001-100,000	4
Processing or Repairing Use	For each additional 50,000 or major fraction thereof	1 additional

(c) Industrial Park Regulations. Refer to Sec. 18.16.

(9) ADDITIONAL REGULATIONS FOR OFF STREET PARKING AND LOADING AREA.

(a) Development and Maintenance of Parking and Loading Areas. Every parcel of land hereafter used as a public or private parking area for 5 or more cars or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements.

1. Screening and Landscaping. Off street loading areas shall be effectively screened by a fence or hedge as provided in sec. 18.07 (5), on the side or sides which adjoin or face an R-zone.
2. Minimum Distances and Setbacks. No off street loading area or parking area or part thereof for 5 or more vehicles shall be closer than 10', to any dwelling, school, hospital or other institution for human care located on any adjoining lot or 2' from any lot line.
3. Surfacing. Any off street parking of 5 or more vehicles or off street loading area shall be surfaced with durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.
4. Lighting. Lighting used to illuminate any off street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off street parking facilities for multi-family structures containing 4 or more families shall be adequately lighted.
5. Drainage. Any off street parking area and off street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
6. Industrial Park Regulations. Refer to sec. 18.16.

(10) SIGNS.

(a) STATUTORY AUTHORITY AND PURPOSE.

1. Authority. This section is adopted under the authority granted by Wis. Stats. Chapters 62 and 66.
2. Purpose. The purpose of this section is to create the legal framework to administer and enforce outdoor sign and awning regulations within the City. This section recognizes the need to protect the safety and welfare of the public; the need for well maintained and attractive sign displays within the community and adequate business identification, advertising and communication.
 - A. This section authorizes the use of signs visible from the public right-of-way provided the signs are:
 - i. Compatible with zoning regulations.
 - ii. Designed, constructed, installed and maintained in such a manner as not to endanger public safety or traffic safety.
 - iii. Legible, readable and visible in the circumstances in which they are used.
 - iv. Respectful of the reasonable rights of other advertisers whose messages are displayed.

(b) DEFINITIONS: For the purpose of this section certain words and phrases are hereby defined:

1. Abandoned Sign. Abandoned Sign. No longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted or available.
2. Animated, Moving or Revolving Sign. Any sign which includes action or motion by means of flashing, scintillating, blinking or traveling lights or by means of moving components. This term does not include changing signs, which are separately defined.
3. Area of Sign. The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas shall be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface. In the case of wall signs, the area of copy will be used.
4. Area of Copy. The entire area within a single continuous perimeter composed of squares or rectangles, which encloses the extreme limits of the advertising message, announcement or decoration of a wall sign.

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5. **Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An awning may have an on-premise sign as part of the fabric.
6. **Back to Back.** Two or more signs facing in opposite directions, are physically contiguous and share a common structure in whole or in part.
7. **Billboard.** See Off-Premise sign.
8. **Building Façade.** That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. Parallel portions of a building facing the same direction shall be considered one building façade.
9. **Business Identification Sign.** Any sign which promotes the name and type of business only on the premises where it is located.
10. **Canopy or Marquee.** A roof-like structure projecting from a wall and erected to provide shelter from the weather and/or architectural enhancement.
11. **Changing Sign (Automatic).** Signs such as electronic or electric controlled time and temperature sign, message center or reader board, where different copy changes.
12. **Directional Sign.** Promotes direction or instruction, located entirely on the property to which it pertains, and does not in any way advertise a business.
13. **Directional Off-Premise Sign.** Provide direction or instruction to a location not on the property upon which the sign is located.
14. **Electric Sign.** Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.
15. **FAP (Federal Aid Primary) Highway.** That portion of a State or County highway with extends into or through the city and is designated as FAP Highway according to maps on file in the offices of the Street Superintendent and Wisconsin Department of Transportation.
16. **Face.** The panel surface of a sign that carries the advertising message.
17. **Frontage.** The length of the property line of any one premise parallel to

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and along each public right-of-way it borders. Such public right-of-way may be known as a frontage street. All signs, the areas of which are calculated on the basis of the dimension of a street frontage, shall be placed and oriented for primary reading from such street.

18. Ground Sign. A sign erected on a free standing frame, mast or pole, or more than one such mast or pole, not attached to any building; the area of double-faced ground signs shall be calculated on one face only which shall be the largest face.
19. Height of Sign. The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign including its structure.
20. Institutional Sign. One sign or bulletin board per street front, setting forth or denoting the name of a public, charitable or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 sq. ft. in area.
21. Marquee (see Canopy).
22. Off-Premise Sign. Advertises goods, products, facilities or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.
23. On-Premise Sign. Identifies or advertises a business, person, activity, goods, products or services located on premise where the sign is installed and maintained.
24. Portable Sign. Any sign not permanently attached to the ground or structure or designed to be transported, including, but not limited to, signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to a A- or T-frame sign; attached temporarily or permanently to the ground, structure or other signs; mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business; menu and sandwich boards; searchlight stands; and hot-air or gas-filled balloons or umbrellas used for advertising.
25. Projecting Sign. A sign, normally double-faced, which projects at a lateral

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angle of 15 degrees or more in relation to the façade of a building and may be attached to a structure, building façade, canopy or marquee. The area of projecting signs is calculated on one face only, which shall be the largest face.

26. Reflective Sign. A sign containing a material designed to reflect light directed to it for the purpose of nighttime visibility without self-illumination.
27. Roof Sign. Erected upon a roof or above a parapet wall of a building and which is wholly or partially supported by the building.
28. Sandwich Sign. A multiple faced advertising display not permanently attached to a building or to the ground and intended to be displayed for a limited period of time only. Sandwich signs shall be considered as portable signs for the purpose of this section.
29. Shopping Center. A group of architecturally unified commercial establishments built on a site, which is planned, developed, owned and managed as an operating unit and a minimum lot size of 40,000 sq. ft.
30. Sign. Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including permanently installed or situated merchandise; or any emblem, painting, banner, placard or temporary sign designed to advertise, identify or convey information with the exception of window displays, pennants and flags. For the purpose of removal, signs shall also include all sign structures and restoration to original condition.
31. Sign Structure. Any structure or material which supports, has supported or is capable of supporting or helping maintain a sign in stationary position, including decorative covers.
32. Swinging Sign. Sign suspended from an arm, mast or spar, with no other side of the sign permanently fastened to an adjacent wall or upright pole.
33. V-type Sign. Two signs in the shape of the letter V when viewed from above, with their faces oriented in different directions, physically contiguous and sharing a common structure, in whole or in part, and located not more than 15' apart at their widest points. Constitutes one sign.
34. Wall sign. Attached to or erected against the wall of a building with the

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face in a parallel plane to the plane of the building and projects not more than 18" from the building nor extends above the building roofline.

35. Window Sign. Sign installed inside a window for purposes of viewing from outside the premises.

(c) GENERAL PROVISIONS.

1. Applications for signs in the Main Street area must be approved by the Main Street Design Board before a permit will be issued by the Building Inspector.
2. Permits Required. Except as otherwise provided in this section, no person shall erect, construct, enlarge or structurally modify any sign or awning in the City or cause the same to be done without first obtaining a permit for each such sign or awning from the Building Inspector as required by this section. Permits shall not be required for a change of copy on any sign or for the repainting, cleaning and other normal maintenance or repair of signs, sign structures or awnings that are conforming or determined to be of an historical nature by the Main Street Design Board. Permits shall become null and void if installation is not completed within one year from date issued.
3. Permit Application. Application for a permit shall be filed with the Building Inspector upon forms provided by the Inspector and shall contain or have attached thereto the following information:
 - A. The name, address and telephone number of the owner, the property owner where a sign is or will be located and the contractor.
 - B. Clear and legible drawings with a general description and nominal dimensions of the proposed sign or awning, the construction size and dimensions, kind of materials to be used in such structure. The site plan shall show in a general manner, the buildings on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs, canopies and awnings on the premises where the proposed sign or awning is to be located.
 - C. If required by the Building Inspector, calculations showing that the structure and design meet the requirements of this section for wind pressure load and such other information as the Inspector may require to show full compliance with this section and all applicable ordinances or regulations.

D. Signature of the applicant.

4. Permit Fees. Application for permit shall be filed with the Building Inspector together with a permit fee for each sign or awning. The fee for a permit, exclusive of any other required permit, shall be established by the City Council.
5. Permit Issuance and Denial. The Building Inspector shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign or awning when the permit application is properly made, all appropriate fees have been paid and the sign or awning complies with the appropriate ordinances of the City. If the Building Inspector denies the permit, the applicant shall follow the appeals process.
6. Appeals. Appeals from the decision of the Building Inspector may be made to the Planning Commission.
7. Indemnification. All persons engaged in the business of installing or maintaining signs which involves, in whole or in part, the erection, alteration, relocation or maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the City, its officers, agents and employees, from any and all claims resulting from the erection, alteration, relocation, maintenance of any sign or any sign work insofar as this section has not specifically directed the placement of the sign.
8. Remedies. No person shall fail to comply with the provisions of this section.
 - A. Any sign or awning erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this section shall be removed at the owner's expense or brought into compliance within 10 days of written notification by the Building Inspector. If the violation is failure to obtain a permit, a permit shall be obtained at double the permit fee. If the owner does not remove or bring into compliance, the Building Inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the non-complying sign is located.

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B. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this section.

(i) Non-Conformance:

1. Any sign located within the City limits on the date of adoption of this section or located in an area annexed to the City hereafter, which does not conform with the provisions of this section, is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:
 - a. The sign was covered by a sign permit or variance immediately prior to the date of adoption of this section, if one was required under applicable law.
 - b. If no permit was required under applicable law for the sign in question and the sign was in compliance with applicable law immediately prior to the date of adoption of this section.
2. A sign shall lose its legal non-conforming status if one or more of the following occurs:
 - a. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
 - b. The sign is relocated.
 - c. The sign fails to conform to the section regarding maintenance and repair, abandonment or dangerous or defective signs.
 - d. The principal content or message of the sign, such as the name of the business or product, is changed or altered, except for existing off-premise signs.
 - e. Fails to meet guidelines established by the Main Street Design Board.
 - f. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor or shall be removed.
3. All non-conforming signs within the Main Street target area shall come into compliance within a time period negotiated with the Main Street Design Board.
4. Nothing in this section shall relieve the owner of the property in which the sign is located from the provisions of this section regarding safety, maintenance and repair of signs.

9. Maintenance, Repair and Abandoned Signs.

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

- B. Abandoned Signs.
 - i. Except as otherwise provided in this section, all signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertised is no longer conducted there. If the owner or lessee fails to remove the sign, the Building Inspector shall give the owner 60 days written notice to remove the sign and, upon the owner's or lessee's failure to comply, may remove such sign, any costs for which shall be charged to the owner of the property, assessed as a special assessment against the property or the Building Inspector may take any other appropriate legal action necessary to attain compliance.
 - ii. Deteriorated or dilapidated signs shall be removed in the same manner as abandoned signs.
 - iii. Upon receipt of a written request from the owner of record of the real property involved, his heirs or agent, the Building Inspector may grant, after review and approval by the Plan Commission, a written 10 month extension of time within which on-premise signs not meeting all of the following conditions are to be removed:
 - (1) Such signs conform to the provisions of this section.
 - (2) Permits have been issued for such signs.
 - (3) Such signs are in good physical repair.
 - (4) Such signs are located upon vacant premises within or upon which a use can be re-established in accordance with the code, similar to the former use.
 - (5) Such signs are so constructed as to readily permit their reuse by means of replacing message copy or lettered faces.

10. Administration. The City Building Inspector shall enforce the provisions of

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this section. The Building Inspector shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform to the requirements of this code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the City and make such reports as the City may require.

11. Construction Specifications.

- A. All signs shall comply with the provisions of the City Building Code and any additional construction standards in this section.
- B. All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- C. Electrical service to ground signs shall be concealed wherever possible.
- D. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade.
 - i. For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
 - ii. For skeleton signs, 30 pounds per square foot of total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- E. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- F. Supports and braces shall be an integral part of the sign design and shall be hidden from public view to the extent technically feasible.
- G. No sign or any part thereof, or anchor, brace or guy rod, shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy rod, shall be erected or maintained which may cover or obstruct any door, doorway or window of any building and which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

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- H. All signs shall be marked with the manufacturer's name. For incandescent lamp signs, the input amperes at full load and the input voltage shall be included.

12. Installation and Maintenance.

- A. Safety. All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. The City Council recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Building Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Building Inspector may also cite the sign contractor for a violation of this section if he fails to use proper equipment in the maintenance of signs.
- B. Electric Signs. This section recognizes that electric signs are controlled under the special provisions of the National Electric Code. It also recognizes that electric sign contractors have developed a specialized trade or high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:
 - i. Install exterior electric signs, ballast's or high voltage transformers to sockets or outline lighting tubes and may connect the signs to primary branch circuits, if such circuits already exist outside of the building.
 - ii. Install interior electric signs, but may not connect such signs to the primary branch circuit.
 - iii. Maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. An electric sign contractor or its employees shall not perform work on electric signs in contradiction to the National or any City Electrical Codes.

(d) General Design Requirements.

1. These requirements shall apply in all zoning districts.
2. Any ground sign or projecting sign within 25' of a street intersection or 15'

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of a driveway, measured from the point of intersection with a right-of-way or within 15' of the right-of-way shall maintain a minimum of 10' between the bottom of the sign and the grade at the right-of-way line or such sign shall be not more than 3' in height.

3. All other projecting signs and canopy signs shall maintain a minimum vertical distance of 8' between the bottom of the sign and the grade at the right-of-way line.
4. Projecting signs may extend not further than 6' from the building to which they are attached.
5. No sign or sign structure shall be located in the right-of-way. No sign or sign structure except projecting signs shall extend into the public right-of-way.
6. Wall signs shall not extend beyond the corners of the buildings. Wall signs and projecting signs shall not extend above the building fascia line. Wall signs are limited to one (1) square foot per lineal foot of building façade.
7. The gross area of permanent window signs shall not exceed 25% of the gross window area of any given building façade.
8. Any sign location accessible to vehicles shall have a minimum vertical clearance of 16'.
9. No sign facing a Residential District shall be closer than 25' to that district line.
10. No advertising device of any type shall be in any way attached to any utility, sign or other municipal poles or structures located in the public right-of-way.

(e) Prohibited signs. The following signs shall be prohibited within the City:

1. Abandoned signs.
2. Flashing or moving signs. No sign shall be permitted which is animated

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by means of flashing, scintillating, blinking or traveling light of over 15 watts per lamp and no animated sign may be located within 300' of any illuminated traffic control or warning light. Changeable message signs are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than 7 revolutions per minute.

3. Swinging signs.
4. Floodlighted signs. Except where no significant direct light or significant glare from the sign projects onto an adjacent lot.
5. Parking of advertising vehicles is prohibited. No person shall park any vehicle on a public right-of-way or public property, or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises for more than 30 days annually. This section shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.
6. Roof signs.
7. Unclassified signs. The following signs are prohibited, which:
 - A. Bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - B. Signs which are an imitation of or resemble in shape, size, copy or color an official traffic sign or signal.
8. Signs that are a threat to health, safety or public welfare.
9. Self-contained illuminated exterior signs within the Main Street target area unless it is determined not to be disruptive to the area and is in character with the building or has an historic nature as determined by the Main Street Design Board.

(f) Signs Not Requiring a Permit.

1. Construction signs. One construction sign per construction site in a residential district not to exceed 6 square feet and 2 construction signs per construction site in all other districts not to exceed 100 square feet in area, each shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy, whichever occurs first.
2. Directional and instructional non-electric signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed 6 square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
3. Non-illuminated emblems or insignia of any nation or political subdivision, profit or nonprofit organization, not to exceed 32 square feet.
4. Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.
5. House numbers and nameplates. Numbers and plates not exceeding 2 sq. feet in area for each residential dwelling unit, commercial or industrial building.
6. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not exempt such signs from the structural, electrical or material specifications of this section.
7. Memorial signs and plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than 4 square feet in area.
8. No trespassing or no dumping signs. No trespassing and no dumping signs not to exceed 1 ½ square feet in area per sign.

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9. Public notices and signs. Official notices posted by public officers or employers in the performance of their duties and signs required as specifically authorized for a public purpose by law, statute or ordinance.
10. Political and campaign signs. Signs on behalf of candidates for public office or measures on election ballots provided that such signs are subject to the following regulations:
 - A. Such signs shall not be erected earlier than 45 days prior to the primary election and shall be removed within 5 days following the general election.
 - B. Such signs shall not exceed 8 square feet in residential zoning districts and 32 square feet in all other districts.
11. Real estate signs. One real estate sales sign on any lot or parcel, provided the sign is located entirely within the property to which the sign applies and is not directly illuminated.
 - A. In residential districts the signs shall not exceed 6 square feet in area and shall be removed within 30 days after the sale, rental or lease is accomplished.
 - B. In all other districts the signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease is accomplished.
12. Temporary window signs. In business, commercial and industrial districts the inside surface of any ground floor window may be used for attachment of temporary signs not to exceed a period of 30 days nor a total display time of more than 3 months in a calendar year. The total area of temporary window signs shall not exceed 25% of the gross window area of any building façade.
13. On-premise symbols or insignia. Religious symbols, commemorative plaques or recognized historic agencies or identification emblems of religious orders or historic agencies not to exceed 32 square feet.
14. On-premise temporary signs. Temporary signs not exceeding 4 square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided such signs are posted not more than 45 days before the event and removed within 5 days after.

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15. Vehicular signs. Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
16. Awning signs. Signs consisting of one line of copy and/or logo upon the border of awnings.
17. Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name, not to exceed 32 square feet.

(g) Special signs.

1. Subdivision development signs. A special permit may be issued for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions.
 - A. Permits may be issued for a period of not more than one year and may be renewed for additional periods of up to one year and upon written application at least 30 days prior to its expiration.
 - B. Signs as used in this section refer to all types of signs except those excepted or prohibited by this section.
 - C. The sign shall be located on the property being developed and comply with all applicable building setback requirements.
 - D. The sign may not exceed 50 square feet.
 - E. One sign is allowed for each entrance to the subdivision.
 - i. Banners. A special permit may be issued for a temporary banner in a commercial or industrial district in connection with a special promotion or civic event, subject to the following restrictions.
 - (1) The banner shall not exceed 100 square feet in area.
 - (2) No banner shall be erected in such a manner that any portion is 20 feet or more in height.
 - (3) The sign or article shall meet the general design requirements and shall meet the setback requirements of a ground sign in commercial or industrial districts.
 - (4) The banner shall be permitted a maximum of 30 days per calendar year.

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- (5) Banners for social events will be permitted on City property with the following restrictions:
 - (a) The banner shall not exceed 100 square feet in area.
 - (b) Applicants for over-the-street banners shall present proof of liability insurance in the amount of \$1,000,000.00.
 - (c) The banner shall be permitted for a maximum of 30 days.
 - (d) The banner shall be constructed to withstand a 30 pounds per square foot pressure and shall allow wind to pass through it.
 - (e) The anchors to which such banners are attached shall be properly installed to comply with this chapter and structural requirements.
2. Shopping centers. Shopping centers shall be subject to the following signage requirements:
 - A. Signs not requiring a permit.
 - B. Signs for permitted, conditional and non-conforming uses.
 - i. Tenants: Wall and window signs shall be permitted if placed on a shared wall in lieu of individual wall signs. The total area of all signs may not exceed 6 sq. ft. per lineal foot of building frontage per tenant.
 - ii. Shopping Center: Wall and ground signs shall be permitted for identification of the shopping center. The total area of all signs shall not exceed one square foot per lineal foot of lot frontage up to a maximum of 200 sq. ft.
 - iii. Height Restrictions: Ground signs may not exceed the maximum height allowed in the zoning district in which the shopping center is located.
 - iv. Setbacks. All ground signs shall be completely outside of the right-of-way.
3. Portable signs. A permit may be issued for the temporary use of a portable sign for advertising purposes in a commercial district provided that:
 - A. The sign will not be located in any public right-of-way.
 - B. The sign will not be located closer than 10' to an adjacent property.
 - C. The sign will not cause a hazard to vehicular or pedestrian traffic and signs shall be anchored by means of a chain, rope or similar means to a fixed object to prevent the sign from being moved.
 - D. Portable sign permits shall not be granted for a period of more than

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30 days in a calendar year.

- E. Such signs shall not exceed 32 square feet in area.
- F. No more than one portable sign per parcel or shopping center shall be permitted.

(h) Signs Permitted in Residential Districts (R-1, R-2, R-3 and R-4).

- 1. Signs not requiring a permit.
- 2. On-premise home occupation use and professional home office use signs.
 - A. Permitted signs. One non-illuminated wall sign per dwelling unit. The sign and illuminating device shall be located entirely within a foot of the wall facing the front yard.
 - B. Area restrictions. Signs shall not exceed 2 square feet per dwelling unit.

(i) Sign (one) permitted on-premise for identification for conditional or non-conforming uses or for public, charitable, educational or religious institutions.

- 1. Permitted signs. A wall sign or one ground sign if all buildings are set back at least 25 feet from the right-of-way.
- 2. Area restrictions. The area of the sign shall not exceed eight square feet.
- 3. Height restrictions. All signs shall be limited to a height of 12 feet.
- 4. Setbacks. All freestanding ground signs must be at least 15 feet from interior side and rear lot lines and set back at least ten feet from the public right-of-way.
- 5. Reader boards. A public, charitable, educational or religious institution may also have one reader board, provided such reader board shall not exceed 15 sq. ft.

(j) Signs Permitted in the Lowland Conservancy District (C1).

- 1. Signs not requiring a permit.

(k) Signs Permitted in Agricultural.

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1. Signs not requiring a permit.
 2. On-premise business identification signs for permitted, conditional and non-conforming uses.
 - A. Permitted signs. One wall sign per frontage road and one ground sign per frontage road if all buildings are set back at least 25' from the right-of-way line.
 - B. Area restrictions. Total area of all signs shall not exceed one square foot per lineal foot of building façade, with ground signs limited to 24 sq. ft per sign.
 - C. Height restrictions. Ground signs shall not exceed a height of 15'.
 - D. Setbacks. All ground signs shall be at least 25' from the side and rear lot line and 5' from the street right-of-way.
 3. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 sq. ft in area for any one farm. Height of this respective sign shall not exceed 8'. Two such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer and product being sold or produced.
- (l) Signs Permitted in the C-1 and C-2 Districts.
1. Signs not requiring a permit.
 2. On-premise sign for permitted, conditional and non-conforming uses.
 - A. Permitted signs. Wall, awnings, canopy, marquee, franchise, permanent window, projecting and ground signs. A ground sign is allowed only if all buildings are set back at least 24' from the street right-of-way line.
 - B. Area restrictions. Ground signs shall not exceed 100 sq. feet facing each frontage road. Projecting signs shall not exceed 24 sq. feet facing each frontage road. Total area of all signs for each frontage on a property shall not exceed two square foot per lineal foot of building facade.
 - C. Height restrictions. Ground signs shall not exceed 20 feet in height.

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- D. Setbacks. Ground signs shall be at least 5' from the street right-of-way.

(m) Signs Permitted in the Highway Commercial District (C-3) and Commercial Waterfront.

1. Signs not requiring a permit.
 - A. Permitted signs. Awnings, wall, window, marquee, canopy, franchise, ground and projecting signs.
 - B. Area restrictions. Ground signs shall not exceed 100 sq. feet facing each frontage road. Projecting signs shall not exceed 24 sq. feet facing each frontage road. Total area of all signs for each frontage on a property shall not exceed two square foot per linear foot of building façade.
 - C. Height restrictions. Ground and projecting signs shall not exceed 35' in height. Wall signs shall not extend above the roofline.
 - D. Setbacks. Ground signs shall be at least 15' from the street right-of-way and at least 10' from the side and rear lot lines.
3. Off-premise signs.
 - A. Permitted signs. Ground and wall signs. Wall signs shall not project more than 6". Ground signs may be back-to-back or V-type, with not more than 2 displays to each face, and such sign structure shall be considered as one sign. Only one off-premise signs shall be permitted per lot.
 - B. Area restrictions. No one sign shall exceed 100 sq. ft.
 - C. Height restrictions. Ground signs shall not exceed 35' in height. Wall signs shall not extend beyond the roofline.
 - D. Spacing. No off-premise sign shall be located nearer than 600' from any other off-premise sign as measured along the centerline of the public right-of-way.
 - E. Setback. All ground signs shall be at least 30' from interior side or rear lot lines and 15' outside the public right-of-way.

(n) Signs Permitted in the Light Industrial and Heavy Industrial District.

1. Signs not requiring a permit.
2. On-premise signs for permitted, conditional and non-conforming uses.
 - A. Permitted signs. Wall, window, marquee, canopy, ground and projecting. A ground sign is permitted only if the building is set back at least 25' from the street right-of-way line.
 - B. Area restrictions. The total area of all on-premise signs shall not exceed one sq. foot per lineal foot of lot frontage up to a maximum of 600 sq. ft.
 - C. Height restriction. Ground and projecting signs may not exceed 35' in height. Wall signs shall not extend above the roofline.
 - D. Setbacks. Ground signs shall be at least 25' from side and rear lot lines and at least 5' from the public right-of-way.
3. Off-premise signs in the Light Industrial and Heavy Industrial District
 - A. Off-premise signs are not permitted in Light and Heavy Industrial District.

(o) Signs Permitted in the Industrial Park District.

1. Signs located in the Industrial Park District shall follow the requirements of the Industrial Park Covenants.

(11) MINIMUM LIVING AREAS

- (a) All homes constructed in a R-1 or R-2 Zone shall have a minimum living area of 1200 sq. ft.
- (b) All homes constructed in a R-3 zone shall have a minimum living area of 1000 sq. ft.

18.08 NONCONFORMING LAND-STRUCTURES AND USES.

- (1) NONCONFORMING USES OF LAND. Where, at the effective date of adoption (Feb. 7, 1963) or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

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- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption (Feb. 7, 1963) or amendment of this chapter.
 - (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption (Feb. 7, 1963) or amendment of this chapter.
 - (c) If any such nonconforming use is discontinued for a period of 12 months, any future use of the premises shall conform to the chapter.
- (2) **NONCONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption (Feb. 7, 1963) or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
- (a) No structure may be enlarged or altered in a way, which increases its nonconformity.
 - (b) The total structural repairs or alterations in a nonconforming structure shall not during its life exceed 50% of the assessed value of the structure unless permanently changed to a conforming use.
 - (c) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.
 - (d) Where the nonconforming structure is destroyed by fire or other calamity to the extent of not more than 1/2 of its fair market value it may be rebuilt if construction is started within 12 months of the destruction.
- (3) **NONCONFORMING USES OF STRUCTURES.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption (Feb. 7, 1963) or amendment of this chapter, that would not be allowed in the zone under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.
- (a) No existing structure devoted to a use not permitted by this Chapter in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, or moved, except in changing the use of the structure to a use permitted in the zone in which it is located.
 - (b) Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption (Feb. 7, 1963) or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

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- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this chapter.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (e) If any such nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the chapter.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

18.085 WASTE WATER TREATMENT PLANT ZONE

- (1) A WasteWater Treatment Plant Zone shall constitute an area within 500 feet from any portion of the Algoma Waste Water Treatment Plant.
- (2) No future construction of commercial establishments or buildings occupied or intended for residential use shall be permitted within the WasteWater Treatment Plant Zone. However, maintenance, remodeling and improvements of existing structures is allowed if the cost of such does not exceed fifty (50%) percent of the fair market value of the property immediately before such maintenance, remodeling or improvements.

18.09 ADMINISTRATION.

- (1) ADMINISTRATION BY GENERAL INSPECTOR. The General Inspector shall administer and enforce this chapter. If the General Inspector shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.
- (2) BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved added to, structurally altered, or improved in excess of \$100 without a permit therefor, issued by the General Inspector. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board. Failure to obtain a building permit shall be a violation of this chapter and shall be punishable under

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sec. 18.25. The fee for building permits for every construction, addition or alteration shall be specified in the Building Permit Schedule at sec. 15.06.

- (3) **APPLICATION FOR BUILDING PERMITS.** All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the General Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter. One copy of the plot plans shall be returned to the applicant by the General Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the General Inspector.

18.10 BOARD OF APPEALS.

- (1) **MEMBERSHIP.** A Board of Appeals is hereby established. The Board shall consist of 5 members who shall be appointed by the Mayor and approved by the Council. The members of the Board shall serve without compensation. The Mayor shall designate one of the members Chairman, and the City Clerk shall serve as Secretary of the Board. The term of office of the members of the Board shall be for 3 calendar years, with no more than 2 terms expiring the same year.
- (2) **MEETINGS.** All meetings of the Board shall be held at the City Hall unless a different meeting place is announced in a public notice of the meeting, and shall be open to the public. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- (3) **RULES AND DECISIONS.** The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and sec. 62.23 (7), Wis. Stats. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or absent for failing to vote showing such fact. The final disposition of appeals shall be by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record. The concurring vote of 4 members of the Board shall be necessary to reverse any order or determination of the General Inspector, or to decide in favor of the applicant any matter upon which they are required to pass, or to effect any variation of this chapter.
- (4) **APPEAL PROCEDURE.**
 - (a) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City within such reasonable time as shall be prescribed by the rules of the Board by filing with the General Inspector and with the

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Board a notice of appeal specifying the grounds, thereof. The General Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

- (b) Fees. All appeals to the Board under this section shall be accompanied by a fee of \$125 which shall be paid to the City Clerk upon filing such appeal. Such fee shall be used for the purpose of deferring expenses of advertising and other administrative expenses in relation to such appeal and no part thereof shall be returnable.
- (c) Public notice to be given under this section shall require a Class 1 notice under Ch. 985, Wis. Stats., at least 15 days prior to the hearing stating the time and place of such hearing.

(5) POWERS. The Board shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the General Inspector in the administration of this chapter.
- (b) To permit the reasonable extension of a district where, in a single ownership, the boundary line of a district divides the lot.
- (c) To interpret the provisions of this chapter in such a way as shown to carry out the intent and purpose of the plan where the street layout actually on the ground varies from the layout as shown on the Zoning Map.
- (d) To permit a change of nonconforming use to another use where the Board, after public hearing thereon, deems that the proposed use will be equally appropriate or more appropriate to the zone than the existing nonconforming uses, subject to suitable conditions.
- (e) If recommended by the Public Service Commission of Wisconsin, to permit, in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, a building or premises to be erected or used by a public service corporation or for public utility purposes in any location and for any purpose which is reasonable necessary for the public convenience and welfare.
- (f) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

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- (g) In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the General Inspector.
- (h) The Board of Appeals shall place the greatest emphasis upon the request by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land.
- (6) APPEAL TO COURT. Any person aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City may within 30 days after the filing of the decision in the office of the Board, but not thereafter, present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part; specifying the grounds of illegality, whereupon such decision of the Board shall be subject to review by certiorari as provided by Sec. 62.23 (7) (e) 10., et. seq., Wis. Stats.

18.11 AMENDMENTS.

- (1) PROCEDURE. The Council may from time to time, on its own motion or on petition, after public notice and hearing as provided by Sec. 62.23 (7) (d), Wis. Stats., amend, supplement or change, modify, or repeal the boundaries or regulations herein or subsequently established, after submitting the same to the Plan Commission for its recommendations and report. In case, however, of a protest against such change, duly signed and acknowledged by the proposed change, or by the owners of 30% or more of the area of the land immediately adjacent extending 100', therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100' from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of 3/4 of the members of the Council.
- (2) FEES. All petitions for amendment of the Zoning Code shall be accompanied by a fee of \$25 which shall be paid to the City Treasurer and receipt therefore delivered to the City Clerk upon filing a zoning amendment. Such fee shall be used for the purpose of deferring expenses of advertising and other administrative expenses in relation to such amendment and no part thereof shall be returnable.
- (3) CHANGES. Ordinance #447 and #450.

18.12 INTERPRETATION, PURPOSE AND CONFLICT.

The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than are imposed or required by other ordinances, rules, regulations, or by easements,

covenants or agreements, the provisions of this chapter shall govern.

18.13 ENFORCEMENT.

The enforcement of the Zoning Code shall not be exclusively under the jurisdiction of the General Inspector. Any person otherwise qualified to commence an action before the Municipal Justice of the Peace shall be qualified to institute an action for the enforcement of the Zoning Code.

18.14 REPEAL OF PRIOR ZONING ORDINANCES.

All prior zoning ordinances are hereby repealed, provided that this chapter shall not be construed to permit the continuance of a use of premises which was prohibited under prior zoning ordinances and liable to penalties, even though such use is not a violation of the specific terms of this chapter.

18.15 FLOODPLAIN. See Chapter 25.

18.16 INDUSTRIAL PARK (M-3) ZONING.

Land within M-3 zones shall be occupied and used for manufacturing, warehousing and distribution activities as allowed for in other manufacturing zones. In addition certain Commercial uses shall be permitted as outlined below.

(1) USE REGULATIONS.

- (a) Uses permitted in M-1 and M-2 zones.
- (b) Planned Commercial Development Group. Certain commercial uses may be allowed on a case by case basis where, in the judgment of the Planning Commission and the City Council, such uses will not be detrimental to industrial uses within the zone.

(2) MINIMUM STRUCTURE SETBACK REGULATIONS. All structures and buildings constructed within M-3 zones shall conform to the following minimum setback regulations:

- (a) Front Yard. Minimum of 30', except that unsupported roofs or sunscreens may project 6' into the setback area. The front yard setback area may be used for landscape treatment, walks, an identification sign, flag poles, and driveways perpendicular or nearly so to the front lot line.
- (b) Side Yard. Minimum of 10', except that unsupported roofs and sunscreens may project 3' into the setback area. Side yards may be used for landscape treatment only.
- (c) Rear Yard. Minimum of 10', except that unsupported roofs and sunscreens may project 3' into the setback area. Rear yards may be used for landscape treatment, parking and loading areas.

(3) OFF STREET PARKING AND LOADING. There shall be no on street parking and loading permitted on any publicly owned rights-of-way located in any M-3 zone.

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- (a) **Off Street Parking.** Off street parking shall be provided at a ratio that equals or is greater than 2 parking spaces for each 3 employees on the largest shift plus sufficient off street parking spaces for visitors and guests.
- (b) **Off Street Loading.** Off street loading is prohibited at the front of any building in an M-3 zone. Each loading space shall be not less than 10' in width, 35', in length and have a minimum vertical clearance of 14'. The number of loading spaces required shall be determined by the following table:

Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
Under 25,000	1
From 25,001-40,000	2
From 40,001-60,000	3
From 60,001-100,000	4
For each additional 50,000 or major fraction thereof	1 additional

(c) **Additional Regulations for Off Street Parking and Loading Areas.**

- 1. **Lighting.** Lighting used to illuminate any off street parking or loading area shall be so arranged as to reflect the light away from adjoining premises.
 - 2. **Drainage.** Any off street parking or loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
 - 3. **Surfacing.** Any off street parking or loading areas shall be surfaced with concrete, blacktop or an equivalent material. Equivalent shall mean the surfacing with road oil, soil cement, or other materials approved by the City Engineer and the City Building Inspector. All areas shall be marked or signed so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicle.
- (4) **SIGNS.** No sign shall be erected or maintained in an M-3 zone except in conformity with the following regulations:
- (a) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink, or move in any animated fashion.
 - (b) Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
 - (c) All signs attached to the building shall be flush mounted with the exception of small (4-sq. ft.) perpendicular signs designating area of building usage. (e.g. office, loading dock, etc.)

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- (d) Only one single faced or double-faced sign shall be permitted per street frontage. No sign shall exceed 200-sq. ft. in area per face.
 - (e) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Such sign shall not exceed a maximum area of 32 sq. ft.
 - (f) No ground signs shall exceed 4' above grade in vertical height. Also, ground signs in excess of 100-sq. ft. in area (single face) shall not be erected in the first 10', as measured from the property line, of any street side setback area.
 - (g) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line.
 - (h) One construction sign denoting the architects, engineers, contractor, and other related subjects, shall be permitted upon the commencement of construction. Such sign shall not exceed a maximum area of 32 sq. ft. Such sign shall be removed within 30 days of completion of construction.
 - (i) A future tenant identification sign listing the name of future tenants, responsible agent or realtor, shall be permitted. Such sign shall not exceed a maximum of 32 sq. ft.
 - (j) Signs designating entrances or exits to or from a parking or loading area shall not exceed 2-sq. ft. each. One sign per parking area designating the conditions of use or identity of such parking area shall not exceed 9 sq. ft.
- (5) **OUTDOOR STORAGE.** Outdoor storage shall be limited to the rear 2/3 of the property and within the building setback lines. Outdoor stored material shall not exceed 15 feet above grade in height, nor shall it be so arranged as to create a fire hazard. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the building except in authorized containers. Fences, walls or hedges may not extend forward of the building setback lines.
- (6) **OPEN SPACE REGULATIONS.** All open areas not occupied by buildings shall be developed and maintained as follows:
- (a) Yards, except drives, parking and loading areas, and walks shall be landscaped.
 - (b) All other open areas shall be maintained in a continuous dust free condition.

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(7) **BUILDING REGULATIONS.** All buildings constructed within M-3 zones shall be developed and maintained as follows:

- (a) **Maximum Building Coverage.** Buildings shall not cover more than 50% of the total property area. An exception may be made in cases where special design characteristics allow for ample parking, storage and other uses in conjunction with the building or buildings, e.g., parking under or on top of buildings, enclosed storage areas, etc.
- (b) **Maximum Building Height.** No building or structure (except chimneys or architectural features) shall exceed 2 stories or 50' in height.
- (c) **Building Construction.** Building construction shall meet all applicable local and state requirements.

(8) **PERFORMANCE STANDARDS.** The intent of these standards is to prohibit undesirable or incompatible uses within M-3 zones. The prohibition applies to prospective uses that in the opinion of the City Planning Commission will be undesirable or incompatible in fashion. All uses in M-3 zones shall comply with the following regulations:

- (a) **Noise.** The volume of sound inherently and recurrently generated shall be so muffled or otherwise controlled as not to become objectionable to surrounding uses due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- (b) **Vibration.** An operation which creates intense earth-shaking vibrations, e.g. heavy drop forges, heavy hydraulic surges, shall be prohibited.
- (c) **Air Contaminants.**

- 1. No smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or radioactive substance, waste, or particulate, solid, liquid or gaseous matter shall be introduced into the outdoor atmosphere alone or in combination, in such quantities and of such duration that they would interfere with the safe and comfortable enjoyment of life or property or any use permitted in this or any other zone within the City.
- 2. The limits of emission for particular contaminants shall be determined and enforced as provided for under the State Department of Natural Resources Administrative Code NR 154, or any subsequent revision or amendments.

(d) **Liquid and Solid Waste.**

- 1. Any disposal of wastes on the property shall be done in such manner that it will conform to the regulations of this section. No wastes shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. All liquid waste disposal shall be in conformance with the State Division of

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Health Administrative Code Ch. 62 and the State Department of Natural Resources Administrative Code NR 214 or any subsequent revisions or amendments.

2. All solid waste disposal shall be in conformance with the State Department of Natural Resources Administrative Code NR 151 or any subsequent revision or amendment.
- (e) Electrical Emission. There shall be no electrical emission beyond the property line, which would adversely affect any other use.
- (f) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, of glare or heat beyond the property line if it would adversely affect any other use in any zone within the City.

18.17 HISTORIC PRESERVATION

- (1) Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:
 - (a) Affect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts, which represent or reflect elements of Algoma's cultural, social, economic, political and architectural history.
 - (b) Safeguard Algoma's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
 - (c) Foster civic pride in the notable accomplishments of the past.
 - (d) Stabilize and improve property values.
 - (e) Protect and enhance Algoma's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
 - (f) Improve and enhance the visual and aesthetic character of Algoma.
 - (g) Educate the public regarding the need and desirability of Algoma's Historic Preservation Program and its enhancement of the quality of life.
- (2) Definitions. The definitions shall be as follows:
 - (a) Certificate of Appropriateness means the certificate issued by the committee approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

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- (b) Committee means the historic preservation committee created under this section.
 - (c) Historic district is an area designated by a common council on recommendation of the committee, that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the committee determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such historic structures or historic sites.
 - (d) Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
 - (e) Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
 - (f) Improvement means any building, structure, place, work or art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
 - (g) Improvement parcel is the unit of property, which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity of such tax purposes.
- (3) Historic Preservation Committee Composition. A Historic Preservation Committee is hereby created consisting of six members. The membership shall consist of a member of the Common Council whose term shall be one year; a member of the Planning Commission and the Chairperson of the Community Committee whose terms shall be two years; and three City members whose terms shall be three years. All appointments are to be made by the Mayor, subject to approval of the Common Council. The Chairperson of the Historic Committee will be selected from among its members. Each member shall have an interest in historic preservation.
- (4) Historic Structure, Historic Site and Historic District Designation Criteria.
- (a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to Algoma such as historic structures, sites, or districts which:

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1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 2. Are identified with historic personages or with important events in national, state or local history; or
 3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The Committee may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.
- (5) Powers and Duties.
- (a) Designation. The Committee shall have the power subject to Section (4), to designate historic structures and historic sites and to recommend designation of historic districts within the city limits. Such designations shall be made based on Section 4. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all provisions of this ordinance.
- (b) Regulation of Construction, Reconstruction, Alteration and Demolition.
1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Committee. Unless such certificate has been granted by the Committee, the building inspector shall not issue a permit for any such work.
 2. Upon filing of any application for a Certificate of Appropriateness with the Committee, the Committee shall approve the application unless:

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- A. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;
 - B. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - C. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;
 - D. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
 - E. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;
 - F. In the case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property; or
 - G. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
3. In addition, in determining whether to issue a Certificate of Appropriateness, the Committee shall consider and may give decisive weight to any or all of the following standards:
- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

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- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. If the Committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, and with the above guidelines, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The Committee shall make this decision within forty-five (45) days of the filing of the application.
5. Agencies of the City and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City.

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6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the City shall apply, unless waived by the appropriate state or city officials. The Committee may support or propose such waivers before the appropriate state or city appeals body.
 7. Compliance with Certificates of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.
 8. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) Appeals. Should the Committee designate a historic site or historic structure and the property owner does not want the property so designated, the property owner may, within ten (10) days, appeal to the Common Council for a decision to either confirm or deny the Committee designation of the property. The Common Council will consider this action at its next regular Council meeting.
- (d) Other Duties. In addition to those duties already specified in this section, the Committee shall:
1. Work for the continuing education of the citizens about the historical heritage of this City and the historic properties designated under the provision of this section.
 2. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

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3. As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

(6) Procedures.

(a) Designation of Historic Structures, Historic Sites and Historic Districts.

1. The Committee may, after notice and public hearing, designate historic structures, historic sites and recommend historic districts, or rescind such designation or recommendation, after application of the criteria in Section (4) above. At least ten (10) days prior to such hearing, the Committee shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected or within the boundaries of the historic district. These owners shall have the right to confer with the Committee prior to final action by the Committee on the designation. Notice of such hearing shall also be published as Class 1 Notice, under the Wisconsin Statutes. The Committee shall also notify the following: [Department of Public Works, Redevelopment Authority, Parks Division, Fire and Police Departments, Health Department, Building Inspection Division, and Planning Commission] Each such department may respond to the Committee with its comments on the proposed designation or rescission.
2. The Committee shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Committee may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Committee may designate the property as either a historic structure, historic site, or recommend its inclusion in a historic district, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the [City Clerk, Building Inspection Division, Planning Commission, and the City Assessor]. The Committee shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds Office, or the recommendation to be submitted to the Common Council as provided in subsection (6) (c).

- (b) Zoning of Historic Properties. The historic structure, historic site or historic district designation shall constitute a change in zoning, H or HD, for historic preservation purposes and shall be included as such on the official land use map. The H or HD zoning shall be in addition to the existing underlying land use zoning.

(c) Creation of Historic District.

1. For preservation purposes, the Historic Preservation Committee shall select geographically defined areas within the City to be designated as Historic Districts and shall, with the assistance of the City Planning Department, prepare a historic preservation plan in ordinance form for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:
 - A. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 - B. Is identified with historic personages or with important events in national, state or local history; or
 - C. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or of indigenous materials or craftsmanship; or
 - D. Is representative of the notable works of master builders, designers, or architects who influenced their age.
 - E. Has yielded, or may be likely to yield, information important to history or prehistory.

Each historic preservation prepared for or by the Historic Preservation Committee shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

2. Guidelines criteria to be considered in the development of Historic District plans are as follows:
 - A. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
 - B. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - C. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
 - D. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.

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- E. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
 - F. The existing rhythm created by existing building masses and spaces between them should be preserved.
 - G. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
 - H. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - I. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
 - J. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
 - K. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
 - L. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
 - M. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
3. Review and Adoption Procedure.
- A. The Historic Preservation Committee shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderman of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Committee shall vote to

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recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Planning Commission for review and comment. The Planning Commission shall, within 30 days, submit their comments to the Historic Preservation Committee.

- B. The Common Council, upon receipt of the recommendations from the Historic Preservation Committee and the Planning Commission shall hold a public hearing, notice to be given as noted in subparagraph A above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.
- (7) Interim Control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Committee at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Committee or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.
- (8) Conformance with Regulations.
- (a) Every person in charge of a historic structure, historic site or improvement in a Historic District shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The City Council may appoint the building inspector or any other individual or group of individuals to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the City Council of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to S. 66.122, Wis. Stats. and take any other reasonable measures to further enforcement of this ordinance.
 - (b) Every person in charge of an improvement on a historic site or in a Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - 1. The deterioration of exterior walls or other vertical supports;

2. The deterioration of roofs or other horizontal members;
3. The deterioration of external chimneys;
4. The deterioration or crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes, and other forms of decay;
7. The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
8. The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.
9. All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

(9) Penalties for Violations. Any person or persons violating any provision of this section shall be fined two hundred dollars (\$200.00) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

(10) Emergency Conditions. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, the Building Inspector may order the remedying of these conditions without the approval of the Committee. The Building Inspector shall promptly notify the Committee of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this ordinance and to use the design guidelines of the commission when remedying the emergency conditions.

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

18.18 WELLHEAD PROTECTION

Wellhead Protection Requirements

CITY OF ALGOMA – MUNICIPAL CODE – CHAPTER 18

(1) Purpose and Authority. The residents and businesses of Algoma depend exclusively on groundwater for a safe and reliable potable water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to provide land use regulations and restrictions to protect the municipal water supply from potential sources of contamination. Statutory authority of the city to enact these regulations is established by the Wisconsin Legislature in ss.63.23 (7) (a) and (c), Wis. Stats. Under these statutes, the city has the authority to enact this ordinance, effective in the wellhead zones of contribution identified in paragraph (4), below.

(2) Intent. It is the Intent of this section to provide a method to protect the city’s drinking water supply from potential impacts by facilities that store, handle, treat, use or produce substances that pose a hazard to groundwater quality.

(3) Administration. Except as otherwise provided herein, the Algoma Utilities Commission shall administer, implement and enforce the provisions of this section. Any powers granted to or duties imposed upon the Algoma Utilities Commission may be delegated by the Commission to other Utility personnel.

(4) Applicability.

(a) The regulations of this section shall apply to the lands that lie both within the Zones of Contribution to the Algoma municipal wells and also within the City of Algoma corporate limits as depicted in the City of Algoma/Algoma Utilities’ Well Head Protection Plan Areas.

(b) *Exemptions.* The following are exempt from the requirements of this section.

1. The storage and handling of Regulated Substances for resale in their original unopened individual containers of five (5) gallons or forty (40) pounds or less.
2. Minimal Usage of Regulated Substances: Facilities that use, store, or handle Regulated Substances in quantities of five (5) gallons or forty (40) pounds or less of any one regulated substance, and in aggregate quantities of twenty (20) gallons or one hundred (100) pounds or less of all Regulated Substances.
3. Single family residences provided that no home business is operated on the premises.
4. Public interest emergency use and storage of Regulated Substances.
5. Regulated substances used by or for the Utility in water or wastewater treatment processes.
6. Fueling of equipment not licensed for street use, provided that such fueling activities are conducted in a containment area that is designed and maintained to prevent leakage or other violations of this section.
7. Fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle.

8. Existing heating systems using fuel oil.

9. Cleanups, monitoring and/or studies undertaken under supervision of state regulatory agencies or the United States Environmental Protection Agency.

(5) Definitions. Except as stated in this Section, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this section shall be the same as those used in the Wisconsin State Statute *Groundwater Protection Standards*, and the Wisconsin Administrative Code, NR 811.02, as amended from time to time.

- (a) **Aquifer** means saturated (with Groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs or streams under ordinary hydraulic gradients.
- (b) **Facility** means: any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or any Site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located.
- (c) **Groundwater** means underground water which occurs within the Saturated Zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.
- (d) **Municipal Water Supply** means the public water supply serving the City of Algoma.
- (e) **Person** means any person, individual, public or private corporation, firm, association, joint venture, trust, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenants, or any other entity whatsoever or any combination of such, jointly or severally, including Limited Liability Companies and Limited Partnerships.
- (f) **Regulated Substances** means those chemicals and chemical mixtures that are health hazards except for products registered as pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include: Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic agents, irritants, corrosives, sensitizers, hepatoxins; agents that act on the hematopoietic system; reproductive toxins; and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard" Definitions; mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard; mixtures of chemicals which include a carcinogen; petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission and distribution of electric power to homes and businesses).
- (g) **Regulated Use** means land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of the wellhead protection areas.

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- (h) Utility means Algoma Utilities.
- (i) Utility Commission or Commission means the Algoma Utilities Commission.
- (j) Well means any excavation that is drilled, cored, bored, driven, dug, fitted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of Groundwater.
- (k) Wellhead Protection Area ("WPA") means those lands that lie within the Zone of Contribution of the Algoma municipal wells and which also lay within the City of Algoma corporate limits.
- (l) Zone of Contribution means those areas identified as contributing source water to the Municipal Water Supply.

(6) *Allowable Uses.* Any use that is allowed under the applicable regulations and requirements of this Chapter is permitted in the WPA, subject to regulated use requirements and applicable design and operational standards.

(7) *Regulated Uses.* Any Person may request a regulated use permit for certain uses, activities and structures within the WPA, not prohibited in paragraph 8 below, unless exempted in (4)(b), above.

(8) *Prohibited Uses.* The following uses are prohibited in the WPA:

- (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals identified by OSHA criteria under 40 CFR Part 370.)
- (b) Cemeteries.
- (c) Chemical Manufacturers.
- (d) Coal Storage.
- (e) Dry cleaners.
- (f) Industrial lagoons and pits.
- (g) Landfills or any other solid waste facility.
- (h) Manure and animal waste storage.
- (i) Mining including sand and gravel pits.
- (j) Motor vehicular services, including filling and service stations, repair, renovation and body working.
- (k) Pesticide and fertilizer dealer, transfer or storage facilities.
- (l) Private on-site wastewater treatment systems and/or holding tanks receiving more than 12,000 gallons per day.

- (m) Private high capacity water wells.
- (n) Railroad yards.
- (o) Rendering plants and slaughter houses.
- (p) Salt or deicing material storage.
- (q) Septage, manure or non-stabilized sludge spreading, storage or treatment.
- (r) Salvage or junk yards.
- (s) Stockyards and feed lots
- (t) Storm water infiltration basins.
- (u) Wood preserving operations.
- (v) Facilities whose aggregate use, storage, handling and/or production of Regulated Substances exceeds twenty (20) gallons or one hundred sixty (160) pounds at any time.

(9) Classification of Use. Classification of a use as being allowable or regulated shall be determined by the Utility. In instances where there is uncertainty to the proper classification, the Utility may request additional information from the Person responsible for the operation of the Facility including but not limited to details of use, activities and structures proposed along with the quantities, use of, storage and handling of all regulated substances.

(10) Regulated Use Permits. Any person may request a regulated use permit for certain new or expanded uses, activities and structures within the WPA that are regulated in Subsection (7).

(a) Application. All requests for a regulated use permit shall be submitted in writing to the Utility Commission on a form provided by the Utility for a review of permit application materials. Application shall include, as applicable, site plan, operational plan, contingency / emergency response plan, and other materials necessary to determine compliance with the provisions of this ordinance.

(b) Determination. The Utility Commission shall have the authority to approve or deny a Regulated Use Permit Application. The determination shall be made within 60 days of submission of all application materials required, unless an extension is mutually agreed upon by the applicant and Utility.

(c) Required provisions. All regulated use permits granted shall be subject to provisions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These provisions shall include, but not be limited to:

1. Establish environmental and operations plan to include an operational safety plan, material process and containment, operations monitoring, best management practices, and storm water run-off management.

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2. Prepare, file and maintain a current contingency plan which details the response to any emergency that occurs at the facility. Provide a current copy to the Utility.

(d) *Appeal.* An applicant that is denied a Regulated Use Permit may submit an appeal to the Zoning Board of Appeals.

(11) *Design and Operational Standards for New or Expanded Facilities.*

(a) The following design and operational standards shall apply to permitted and regulated land use activities within the WPA:

1. All parking lots shall be paved with asphalt or concrete.
2. All storm water conveyance shall be via a swale lined with an appropriate impervious material or a watertight storm sewer pipe.
3. Facilities that handle Regulated Substances shall have a minimum of one loading/unloading area designated for the handling of Regulated Substances. The designated loading/unloading area shall be designed with spill and/or runoff containment that is connected to a municipal sanitary sewer system. The loading/unloading area shall be designed to minimize precipitation or storm water runoff from entering the sanitary sewer. Regulated Substances may be loaded or unloaded only in a designated handling area.
4. Storage areas for Regulated Substances shall be designed with secondary containment capable of controlling one hundred fifty percent (150%) of the maximum design capacity of the storage area.
5. Regulated Substances associated with paving, pouring of concrete, or construction activities may be handled in the WPA provided such permitted Regulated Substances do not pose a real and present danger of contaminating surface and/or groundwater. For the onsite storage of fuel for vehicles and other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for thirty (30) days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.
6. Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of thirty (30) consecutive days shall remove all Regulated Substances from the property. The owner or operator shall secure the Regulated Substances on the property until they have been removed.
7. No truck, truck trailer, or tank truck shall be used for the onsite storage of Regulated Substances. Regulated Substances shall be transferred from the delivery vehicle to the Regulated Substance storage area as soon as possible.

(b) The following separation distances between any public well and potential contaminant sources as specified in NR 811.12(5)(d), Wis. Adm. Code shall be maintained:

1. Storm Sewer Main: Fifty (50) feet.
2. Sanitary Sewer Main, Manhole, or Lift Station: two hundred (200) feet. A lesser separation distance may be allowed for sanitary sewer mains where the main is constructed of water main materials and joints and pressure tested to meet current American Water Works Association (AWWA) specifications. In no case may the separation distance between a well and sanitary sewer main be less than fifty (50) feet.
3. Single or two family residential fuel tank: Two hundred (200) feet.
4. Septic tank or soil absorption unit receiving less than 12,000 gallons perday: Four hundred (400) feet.
5. Gasoline or fuel storage installation that has received written approval from the Wisconsin Department of Commerce under s Comm 10.10, Wis Adm. Code: Six hundred (600) feet.
6. Septic tank or absorption unit receiving more than 12,000 gallons per day: One thousand (1000) feet.
7. Salt or deicing storage facility: One thousand two hundred (1,200) feet.

(12) Requirements for Existing Facilities. Existing Facilities within the WPA at the time of enactment which use, store, handle or produce a Regulated Substance(s) in excess of the quantities outlined in Subsection (7) and all other Facilities which are considered a regulated use in Subsection (7), shall be subject to the following requirements:

- (a) Such Facilities as defined above which exist within the WPA at the time of the enactment of the Wellhead Protection Requirements shall have the responsibility of devising, filing and maintaining, with the Utility, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their Facility, including notifying municipal, county and state officials.
- (b) Such Facilities as defined above cannot engage in or employ a use, activity, or structure listed in regulated uses, which they did not engage in or employ at the time of the enactment of the WPA.
- (c) No existing use, activity or structure listed as regulated use shall be expanded, replaced in kind, or rebuilt unless a regulated use permit is granted for such expansion, replacement or rebuilding. This section does not apply to normal maintenance or minor repairs.

(13) Enforcement. The Utility shall have the authority to administer and enforce the provisions of this section by order, and may obtain injunctive relief if deemed appropriate to terminate any continuing violation.

(a) Inspections. The Utility shall have the right to conduct inspections of facilities at reasonable times to determine compliance with this section.

(b) Permit Revocation. The Utility may revoke any permit issued pursuant to this section after

notice to the permittee is provided that the permittee has:

1. Failed to comply with any provision of this section.
2. Submitted False or inaccurate information in a permit application.
3. Refused lawful inspection.
4. Failed to address a notice of violation within the proper time frame.

(14) Notice of Violation. Whenever it is determined that there is a violation of this section, the notice of violation shall:

(a) Be in writing and delivered to the responsible party by regular mail.

(b) Specify the violation or violations.

(c) Specify the length of time allowed to correct the violation from the date of the notice of violation.

(15) Penalties. Any Person who violates any provision of this section shall be subject to a penalty as provided in Section 18.18 of this municipal code. In addition, any Person who violates any provision of this section shall be responsible for any fees and costs incurred by the Utility in obtaining injunctive relief as outlined in subsection (13), above.

18.25 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provide in sec. 20.04 of this Code.