

TITLE X

LAND USE

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Chapter 46

ZONING

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46.01 INTRODUCTION AND PURPOSE:

- (1) Authority. These regulations are adopted under the authority granted by Sec. 62.23 (7), Wis. Stats.
- (2) Short Title. This Chapter shall be known as, referred to or cited as the "Zoning Code, City of Blair, Wisconsin."
- (3) Purpose. The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the residents of the City of Blair.
- (4) Intent. It is the general intent of this Chapter to:
 - (A) Regulate and restrict the use of all structures, lands and waters;
 - (B) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
 - (C) Secure safety from fire, flooding, panic and other dangers;
 - (D) Provide adequate light, air, sanitation and drainage;

- (E) Prevent overcrowding; avoid undue population concentration;
 - (F) Facilitate the adequate provision of public facilities and utilities;
 - (G) Stabilize and protect property values;
 - (H) Further the appropriate use of land and conservation of natural resources;
 - (I) Preserve and promote the beauty of the City;
 - (J) Implement the City comprehensive plan or plan components;
 - (K) Provide for the administration and enforcement of this Chapter and to provide penalties for its violations.
- (5) Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (6) Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (7) Effective Date. This Chapter shall be originally effective after a public hearing, adoption by the City Council and publication or posting as provided by law.

46.02

DEFINITIONS:

For the purposes of this Chapter, the following definitions shall be used:

- (1) Accessory Use. A use, subordinate in nature, extent, or purpose to the principal use of the building or lot.
- (2) Advertising Sign, Outdoor. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (3) Advertising Structure, Outdoor. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (4) Alley. A way which affords only a secondary means of access to abutting property and which is not more than twenty feet (20') wide.
- (5) Apartment. A portion of a residential or commercial building used as a separate housing unit.
- (6) Apartment House. See "Dwelling, Multiple."
- (7) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

- (8) Basement or Cellar. A story partly underground but having at least one-half (½) of its height, or more than five feet (5´), below the level of the adjoining ground. Also, See UDC Chapters 20.07(8).
- (9) Counseling House. A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (10) Building. A structure having a roof and intended for the shelter, housing, or enclosure for persons, animals, or cattle.
- (11) Building, Alterations of. Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (12) Building, Front Line of. A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (13) Building, Height of. The vertical distance from the main elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the main height between eaves and ridge for gable, hip or gambrel roofs.
- (14) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (15) Business. Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (16) Carport. See "Garage".
- (17) Clinic. A building used by a group of physicians, chiropractors, dentists, or similar professional for the medical examination or treatment of persons on an outpatient or non-counseling basis only.
- (18) Club. A building owned, leased, or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (19) Community Living, Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child Welfare agencies under 48.60, Wis. Stats., group homes for children under Section 48.02(7), Wis. Stats., and community-based residential facilities under Sections 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Section 46.03(22), 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.
- (20) Conditional Use. A use of land, water, or building which is allowable only after review, public hearing, and recommendation by the Plan Commission and approval by the City Council under conditions specified in this Chapter.
- (21) Conforming Use. Any lawful use of a building or lot, which complies, with the provisions of this Chapter.
- (22) Court. An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.

- (23) Curb Break. Any interruption or break in the- line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (24) Curb Level. The level of the established curb in the front of the building measured at the center of such front.
- (25) Day Care Center. A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day, and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (26) Dwelling Unit. A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (27) Dwelling, One-Family. A detached building designed, arranged or used for and occupied exclusively by one (1) family. Shall include specialty-designed buildings covered by earth.
- (28) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (29) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (30) Dwelling Group. A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- (31) Emergency Shelters. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (32) Family. One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption, or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- (33) Farm. Land consisting of five (5) acres or more on which produce, crops, livestock, or flowers are grown primarily for off-premise consumption, use, or sale.
- (34) Floor Area. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

- (35) Foster Family Home. The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62, Wis. Stat., and amendments thereto.
- (36) Frontage. All of the property abutting on one (1) side of a street measured along the street line.
- (37) Garage. A building or portion thereof primarily used for parking or temporary storage of self-propelled vehicles.
- (38) Garage, Public. A building other than a private or storage garage used for the care, repair, or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire, or sale. This includes premises commonly known as gasoline stations or service stations.
- (39) Gasoline Station. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (40) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under Section 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (41) Home Occupation. Any business or profession carried on by a member of the immediate family residing on the premises carried on wholly within the principal building, or attached accessory building thereto.
- (42) Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (43) House Trailer. A non-self-propelled vehicle, containing living or sleeping accommodations, which is designed and used for highway travel.
- (44) Junk Yard. An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "Junk yard" also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
- (45) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.
- (46) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

- (47) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (48) Lot Width. The shortest horizontal distance between the side lot lines of a lot measured at right angles to the lot depth at the established front building line.
- (49) Lot Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (50) Lot, Through. A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (51) Lot, Zoning. A single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- (52) Marquee or Canopy. A roof-like structure of permanent nature, which projects from the wall of a building.
- (53) Manufactured Building or Dwelling, Modular Home. A structure certified and labeled as a modular home, pursuant to Section 101.71 Wis. Stats. and UDC Chapters 20.07 (52), which, when placed on the site:
- (A) Is set on an enclosed continuous foundation, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - (B) Is installed in accordance with the manufacturer's instructions;
 - (C) Is properly connected to utilities; and
 - (D) Meets other applicable standards of this Chapter.
- (54) Manufactured Home or Mobile Home. Every vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, to be used, primarily for human habitation, with walls of rigid non-collapsible construction, pursuant to Section 101.91 Wis. Stats., and which is subject to local regulation pursuant to Section 66.0435 Wis. Stats.
- (55) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (56) Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (57) Motor Vehicle. Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- (58) Nonconforming Building or Structure. Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.

- (59) Nonconforming Use. Any use of land, buildings, or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.
- (60) Nursery. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (61) Nursery School. Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (62) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (63) Parking Area, Semi-Public. An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (64) Parking Space. An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
- (65) Permitted Uses. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (66) Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
- (67) Property Lines. The lines bounding a platted lot as defined herein.
- (68) Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.
- (69) Professional Home Offices. A home occupation conducted by doctors of medicine, chiropractors, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
- (70) Professional Services. Services of a doctor, practitioner, dentist, minister, architect, professional engineer, lawyer, author, musician, beautician, or other licensed occupation.
- (71) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds warehouses, car or locomotive shops, or car yards.

- (72) School, Private. An elementary, intermediate or secondary school other than public giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental or educational disabled or a college or other institution of higher learning.
- (73) School, Commercial. A school limited to special instruction such as business, music, trades, handicraft, dancing, riding, or conducted for profit.
- (74) Story. That portion of a building included between the surface of any floor and surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (75) Story Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two feet (2') above the floor of such story.
- (76) Street. A public or private thoroughfare, which affords the principal means of access to abutting property.
- (77) Structure. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (78) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (79) Structural Alterations. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, or girders.
- (80) Trailer Park. Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.
- (81) Use. The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (82) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (83) Use, Permitted. See (66) or 46.02(66)
- (84) Use, Conditional. See (21) or 46.02(21)
- (85) Vending Machine. A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (86) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

- (87) Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.
- (88) Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.
- (89) Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.
- (90) Yard, Corner Side. A side yard which adjoins a public street.
- (91) Yard, Interior Side. A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (92) Yard, Street. Yard abutting a street.
- (93) Yard, Transitional. That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (94) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

46.03

GENERAL PROVISIONS.

- (1) Jurisdiction and Compliance.
 - (A) Jurisdiction. The jurisdiction of this Chapter shall include all lands and water within the corporate limits of the City.
 - (B) Compliance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable City, County and State regulations.
- (2) Use Restrictions.

The following use restrictions and regulations shall apply:

 - (A) Principal Uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
 - (B) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the City Council after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - (C) Performance Standards. Performance standards listed in Article 1 shall be complied with by all uses in all districts.
 - (D) Conditional Uses.

- 1.) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and recommendation by the Plan Commission and approval by the City Council in accordance with Section 46.04 of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - 2.) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of original adoption of this Code require no action by the Plan Commission to continue as valid conditional uses.
 - 3.) Proposed change from permitted use in a district to conditional use shall require review, public hearing and recommendation by the Plan Commission and approval by the City Council in accordance with Sec. 46.04.
 - 4.) Conditional use(s) when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and recommendation by the Plan Commission and approval by the City Council in accordance with Section 46.04.
 - 5.) Conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - 6.) If such a conditional use is discontinued, abandon or terminated for a twelve (12) month period, the conditional use shall be null and void.
- (E) Uses Not Specified in Code. Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be issued upon review, public hearing and recommendation by the Plan Commission and approval by the City Council in accordance with Sec. 46.04.

(3) Reduction or Joint Use.

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

(4) Site Regulations.

- (A) Site Suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the City Council and Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of

this community. The Plan Commission, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the City Council.

- (B) Street Frontage. All lots shall abut upon a public street or other officially approved means of access, and all lots shall have a minimum frontage of twenty-five feet (25); however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located.
- (C) Principal Structures. All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The City Council may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the City Council, subject to the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (D) Dedicated Street. No building permit shall be issued for a lot, which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (E) Lots Abutting More Restrictive Districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty feet (60) from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (F) Preservation of Topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-½) horizontal to one (1) vertical, within a distance of twenty feet (20) from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (G) Decks. For purposes of this Chapter, decks shall be considered a part of building or structure except for calculating living space in residential zones.

- (H) Lots Abutting Two Streets. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty feet (120) from the line of the higher average established grade.
 - (I) Double-Frontage Lots. Buildings on through lots and extending from street to street shall meet the frontage setback on both streets.
 - (J) Open Yards. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twelve inches (12).
- (5) Home Occupations.
- (A) Intent. The intent of this Section is to provide a means to accommodate a small family business as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
 - (B) Home Occupations are a Conditional Use and the home owner is required to apply for a Conditional Use Permit and pay the appropriate license fee. Home owners are subject to the requirements of the district in addition to the following:
 - 1.) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - 2.) There shall be no exterior alterations which change the character thereof as a dwelling and / or exterior evidence of the home occupation other than those signs permitted in the district.
 - 3.) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - 4.) No premises shall be granted more than two (2) parking spaces attributable to accommodating customers or clients of the home occupation.
 - 5.) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - 6.) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated. (Refer to Signs: Section 46.08).
 - 7.) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - 8.) The Plan Commission may determine the percentage of the property that may be devoted to the occupation.

- 9.) The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.
- 10.) The types and number of equipment or machinery may be restricted by the Plan Commission.
- 11.) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
- 12.) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- 13.) Animal Processing and Animal Rendering shall not be permitted.
- 14.) The home occupation shall restrict employees to immediate family members.
- 15.) All others applicable Ordinances in effect at time of application for a Conditional Use Permit.

46.04

ZONING DISTRICTS.

(1) Establishment of Districts

Districts. For the purpose of this Chapter, present and future, provision is hereby made for the division of the City of Blair into the following zoning districts:

- (A) R-1 Residential One- and Two-Family District
- (B) R-2 Residential Multiple Family District
- (C) B-1 Central Business / Commercial District
- (D) B-2 Highway Business / Commercial District
- (E) I- 1 Industrial District
- (F) A-1 Agriculture District
- (G) C-1 Conservancy / Parks District
- (H) MH-1 Manufactured Home District
- (I) P-1 Public Facility / Institutional District

(2) Vacation of Streets; Annexations.

- (A) Vacation of Streets. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (B) Annexations. Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the R-1 Single Family Residential District, unless the annexation ordinance places the land in another district.

(3) Zoning Map.

- (A) The City of Blair is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the City of Blair and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the City Clerk.
- (B) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the City Council shall interpret the map according to the reasonable intent of this Chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section, or sixteenth section lines; or the centerlines of streets, highways, railways, or alleys.

(4) Rules for Interpretation of District Boundaries.

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

- (A) Boundaries indicated, as approximately following the centerlines of streets, alleys shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines.
- (C) Boundaries indicated, as approximately following City boundaries shall be construed as following municipal boundaries.
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) 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 centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (F) Boundaries indicated as parallel to or extensions of features indicated in the proceeding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(5) R-1 – Residential One- or Two-Family District

Purpose. This District is intended to provide residential development limited to one- or two-family dwellings set individually on separate lots.

- (A) Permitted Uses. A building or premises shall only be used for the following:
 - 1.) Single-family dwellings and their permitted structures and accessories.

- 2.) Two-family dwellings (duplexes) and their permitted structures and accessories.
 - 3.) Two-family (twin homes) and their permitted structures and accessories.
- (B) Conditional Uses. A building or premises shall only be used for the following purposes when first approved as a conditional use:
- 1.) Public School, Library, Museum, Park or Recreation area
- (C) Prohibited Uses:
- 1.) Multiple-Family Residential
 - 2.) Commercial
 - 3.) Industrial
 - 4.) All other uses not specifically permitted
- (D) Dimensional Requirements:
- 1.) Minimum Lot Area: 8,000 square feet
 - 2.) Minimum Lot Width: 80 feet (80')
 - 3.) Maximum Building Height: 35 feet (35')
- (E) Setback Requirements:
- 1.) Front: thirty feet (30') from property line or City Right-of-Way, whichever is greater;
 - 2.) Rear: twenty-five feet (25') principal structure; five feet (5') accessory structure;
 - 3.) Side: ten feet (10'), or zero (0) lot line for twin homes on adjacent lots.
- (F) Twin Home Lot Requirements:
- 1.) Each dwelling unit shall be located on separate lots.
 - 2.) The attached side yard setback, or common wall between the two (2) dwelling units, shall be zero (0) feet.
 - 3.) The minimum lot width for each of the two (2) dwelling units shall be fifty feet.
 - 4.) A minimum fire wall complying with COMM21.08 Wis. Administrative Code, as amended from time to time, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof is required between each dwelling unit.
- (G) Lot Coverage. No more than forty percent (40%) impervious coverage of total lot area.
- (H) Percent Slope. No building or structure shall be permitted on a slope 20% or greater, except as a Conditional use.

(6) R-2 – Residential Multiple Family District

Purpose. This district is intended to provide for multiple-family dwellings, to include family or garden types, elevator and walk-up types, efficiency or studio types, and condominiums subject to other provisions of this Code of Ordinances.

(A) Permitted Uses. A building or premise shall be used only for the following purposes:

- 1.) Any use permitted in the R-1, One- or Two-Family Residential District;
- 2.) Multiple-family dwellings with three or more dwelling units within a single building or premise;
- 3.) Multiple-family dwellings / apartments.

(B) Conditional Uses. A building or premises shall only be used for the following purposes when first approved as a conditional use:

- 1.) Public School, Library, Museum, Park or Recreation area;
- 2.) Childcare Facility;
- 3.) Churches and their accessory uses.

(C) Prohibited Uses:

- 1.) Commercial;
- 2.) Industrial;
- 3.) All other uses not specifically permitted or allowed as a Conditional Use.

(D) Dimensional Requirements:

- 1.) Minimum Lot Area: Ten thousand (10,000) square feet for three (3) units or less; thirty-five hundred (3,500) additional square feet for each additional dwelling unit above three units;
- 2.) Minimum Lot Width: One hundred feet (100');
- 3.) Minimum Building Square Footage: Nine hundred sixty (960) square feet per dwelling unit;
- 4.) Maximum Building Height: Thirty-five feet (35')

(E) Setback Requirements:

- 1.) Front: Thirty feet (30') from property line or City Right-of-Way, whichever is greater;
- 2.) Rear: Twenty-five feet (25');
- 3.) Side: Ten (10'), or zero (0) lot line for twin homes on adjacent lots.

(F) Lot Coverage: No more than forty percent (40%) impervious coverage of the total lot area;

(G) Percent Slope: No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a Conditional Use.

(7) B – 1 – Downtown Business / Commercial District.

Purpose: This District is intended to provide appropriate regulations to ensure compatibility of the diverse uses typical of the downtown area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other activities, which contribute to the central downtown.

(A) Permitted Uses. The following uses and establishments are permitted in this district:

- 1.) Banks and Financial Institutions;
- 2.) Bowling Alley/Lanes;
- 3.) Grocery Stores;
- 4.) Laundry, Dry Cleaning Facilities;
- 5.) Private Clubs and Lodges;
- 6.) Professional Services;
- 7.) Public Service Facilities;
- 8.) Restaurants, Cafés, Taverns, and Bars;
- 9.) Retail Sales;
- 10.) Specialty Shops;
- 11.) Theatre;
- 12.) Meat Processing
 - a.) Meat processing is permitted provided that shop operations are in compliance with any County, State and Federal regulation and requirements.
 - b.) Processing is permitted if carcasses and animal parts are removed from the premises and disposed of on a daily basis.
 - c.) If removal cannot be accomplished on a daily basis, then carcasses and animals' parts must be stored or kept in a frozen state within the building.

(B) Conditional Uses. A building or premises shall only be used for the following purposes when first approved as a conditional use:

- 1.) Public Schools, and Parks or Recreation areas;
- 2.) Rental apartments as a secondary use in the Business / Commercial Building are permitted on the upper level.

Rental apartments as a secondary use in a Business / Commercial Building are permitted at street level provided that:

- a.) No part of the apartment is at the front of the building, where the front of the building faces the primary street.

- b.) The business/commercial portion of the building must comprise of at least thirty percent (30%) of the square footage of the street level floor.
 - 3.) Storage and Warehousing of Equipment and Materials
 - 4.) Churches
- (C) Prohibited Uses:
 - 1.) Junk or Salvage Yards;
 - 2.) All other uses not specifically permitted or allowed as a Conditional Use.
- (D) Dimensional Requirements
 - 1.) Minimum Lot Area: Eight thousand (8,000) square feet
 - 2.) Minimum Lot Width: Eighty feet (80')
 - 3.) Maximum Building Height: Thirty-five feet (35')
- (E) Setback Requirements:
 - 1.) Front: Zero feet (0') from property line or City Right-of-Way;
 - 2.) Rear: Ten feet (10'), forty feet (40') where adjacent to Residential;
 - 3.) Side: No Restrictions, twenty feet (20') where adjacent to Residential.
- (F) Lot Coverage. No more than ninety percent (90%) coverage.
- (G) Percent Slope. No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a conditional use.

(8) B-2 Highway Business / Commercial District.

Purpose: This district is intended to provide appropriate regulations to insure compatibility with the convenience services associated with a higher volume of customer and vehicular traffic.

- (A) Permitted Uses: The following uses and establishments are permitted in this district:
 - 1.) All uses permitted in the B-1 District;
 - 2.) Automobile Sale and Service;
 - 3.) Convenience Stores;
 - 4.) Farm Implement Sales;
 - 5.) Filling Stations;
 - 6.) Hotel / Motels;
 - 7.) Retail Shops.

- (B) Conditional Uses;
- 1.) Lumber Yards;
 - 2.) Hospitals, Clinic, Medical Offices;
 - 3.) Industrial/Manufacturing Uses using less than 3,000 square feet of building floor area / space;
 - 4.) Mini-Storage.

- (C) Prohibited Uses
- 1.) Livestock sales, storage, or shipping yards;
 - 2.) Junk or Salvage Yards;
 - 3.) All other uses not specifically permitted or allowed as a Conditional use.

- (D) Dimensional Requirements
- 1.) Minimum Lot Area: sixteen thousand (16,000) square feet;
 - 2.) Minimum Lot Width: one hundred twenty feet (120');
 - 3.) Maximum Building Height: thirty-five feet (35').

- (E) Setback Requirements
- 1.) Front: twenty feet (25');
 - 2.) Rear: ten feet (10'), forty feet (40') where adjacent to residential;
 - 3.) Side: fifteen feet (15'), thirty feet (30') where adjacent to residential.

- (F) Lot Coverage. No more than sixty percent (60%) impervious coverage of total lot area. All water retention must be maintained on site.

- (G) Percent Slope. No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a Conditional use.

(9) I – 1 – Industrial District

Purpose. To delineate areas best suited for industrial development due to location and relation to existing facilities.

- (A) Permitted Uses. The following uses and establishments are permitted in this District:
- 1.) Manufacturing;
 - 2.) Processing;
 - 3.) Repairing;
 - 4.) Warehousing;
 - 5.) Wholesale and Transfer Facilities.

- (B) Conditional Uses:
 - 1.) Mineral Extraction;
 - 2.) Open Storage;
 - 3.) Recreational Uses;
 - 4.) Research Labs without animal research;
 - 5.) Trucking Terminal;
 - 6.) Single Family Residential
 - 7.) Accessory Building/Structures in excess of one hundred feet (100') in height.
- (C) Prohibited Uses:
 - 1.) Junk and Salvage Yards;
 - 2.) Sanitary Landfill;
 - 3.) Slaughter Houses
 - 4.) All other uses not specifically permitted or allowed as a Conditional Use.
- (D) Dimensional Requirements:
 - 1.) Maximum Building Height: Forty feet (40') primary/principal building/structure; one hundred feet (100') accessory building/structure allowed under a conditional use permit.
- (E) Setback Requirements;
 - 1.) Rear: Twenty-five feet (25'), forty feet (40') where adjacent to Residential;
 - 2.) Side: Twenty-five feet (25'), forty feet (40') where adjacent to Residential.
- (F) Lot Coverage: No more than seventy percent (70%) impervious coverage of total lot area. All water retention must be maintained on site.
- (G) Percent Slope: No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a conditional use.

10) A- 1 – Agricultural District

Purpose. This District is included to identify the large undeveloped tracts within the City used for agricultural purposes in the past or at the present time. This District is assumed to be subject to rezoning in the future if necessary.

- (A) Permitted Uses:
 - 1.) Agricultural;
 - 2.) Crop Production;

- 3.) Dairy;
 - 4.) Forestry;
 - 5.) Greenhouses;
 - 6.) Hatcheries;
 - 7.) Livestock Production;
 - 8.) Orchards;
 - 9.) Poultry Production;
 - 10.) Stables;
 - 11.) Single-Family Residential with one (1) dwelling unit per acre.
- (B) Conditional Uses:
- 1.) Public to Semi-Public Uses;
 - 2.) Recreation;
 - 3.) Recreational Camping;
 - 4.) Non-Metallic Mining
- (C) Prohibited Uses:
- 1.) All other uses not specifically permitted or allowed as a Conditional Use.
- (E) Dimensional Requirements:
- 1.) Minimum Lot Size: One (1) acre;
 - 2.) Minimum Lot Width: One hundred feet (100’);
 - 3.) Maximum Building Height: Thirty-five feet (35’) – see Section 46.07 1.) (b) Height Restrictions to Agriculture Structures)
- (F) Setback Requirements:
- 1.) Front: Thirty feet (30’) from property line or City Right-of-Way, whichever is greater
 - 2.) Rear: Twenty-five feet (25’) principal structure; seventy-five feet (75’) any agriculture structure; five feet (5’) accessory structure;
 - 3.) Side: Ten feet (10’); seventy-five feet (75’) any agriculture structure; five feet (5’) accessory structure.
- (F) Lot Coverage. No more than forty percent (40%) impervious coverage of total lot area.
- (G) Percent Slope. No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a Conditional use.

(11) C – Conservancy / Parks District

Purpose. To conserve, preserve, and protect the natural state of scenic, biologic, historic, and native areas. To provide areas where natural flora and fauna may prosper, within a natural habitat, and to provide protection for the natural resources and ground water supply in the area.

(A) Permitted Uses:

- 1.) Parks and natural recreational areas including athletic fields, playgrounds, picnic areas, swimming pools/water parks, and walking/hiking/bicycling trail systems;
- 2.) Open space uses including preserves, scenic areas, and historic areas.

(B) Permitted Accessory Uses:

- 1.) Monuments, Signs, or Aesthetic Structures;
- 2.) Non-habitable Park or Recreation Shelter;
- 3.) Non-habitable Public Utility Buildings or Structures;
- 4.) Recreational Equipment and Apparatuses.

(C) Prohibited Uses:

- 1.) All other uses not specifically permitted.

(D) Dimensional Requirements. There are no size requirements. The District is not intended for development other than the accessory buildings or structures directly related to the permitted uses.

(E) Setback Requirements. All permitted accessory buildings or structures, with the exception of signs and monuments, must be located no closer than twenty-five feet (25') from all property lines.

(F) Lot Coverage. No more than ten percent (10%) impervious coverage of total area.

(G) Percent Slope. No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a Conditional use.

(12) MH-1 Manufactured Home District

(A) Intent. Where Manufactured Homes and Mobile Home Parks / Communities are permitted.

- 1.) Manufactured home community may be established in the MH-1 Manufactured Home District in accordance with the procedures, requirements and limitations set forth in this Article. Within such manufactured home communities, manufactured homes with such additional supporting uses and occupancies are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.

- 2.) It is the intent of this Article to recognize mobile homes constructed prior to June 15, 1976, as distinct and different from units designated as manufactured homes within the definitions of this Article and to prohibit units not meeting the requirements for manufactured homes as defined herein. Mobile home units constructed prior to June 15, 1976 are prohibited. Manufactured buildings meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a manufactured home community except as a Conditional use. Permits may be obtained only after review, public hearing, and recommendation by the Plan Commission and approval by the City Council.
 - 3.) No person shall park, locate, or place any manufactured home or mobile home as defined in Section 46.04 (12.)(2.)(c) outside of a licensed manufactured home community in the City of Blair.
- (B) Definitions. It is the intent of these definitions to comply with Sec. 66.0435 Wis. Stats. The following definitions are used in this Section:
- 1.) **Manufactured or Mobile Home Communities.** Manufactured or mobile home communities are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to manufactured home subdivisions without common open space or continuing management. Manufactured or mobile home community means any plot or plots of ground upon which 3 or more manufactured or mobile homes are located; or as defined in Section 66.0435 of the Wisconsin State Statues.
 - 2.) **Manufactured Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
 - 3.) **Manufactured Home.** A single-family dwelling built on or after June 15, 1976, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, COMM Chapter 20. Manufactured home also means any of the following:
 - a.) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site are 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities.

- b.) A structure which meets all the requirements of par (1) except the size requirements, and with respect to which the manufacturers voluntarily file a certificate required by the secretary of housing and urban development and compiles with the standards established under 42 USC 5401 to 5425.
 - c.) A mobile home, unless a mobile home is specifically excluded under applicable statute.
- 4.) **Mobile Home.** A vehicle manufactured or assembled before June 15, 1976, to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for human habitation, with walls of rigid un-collapsible construction, which has an overall length in excess of forty-five feet (45'). Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty, except that a mobile home is not deemed a mobile home of the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceed fifty percent (50%) of the assessable value of the manufactured home. The term "manufactured home or mobile home" shall not include a factory-built manufactured building or modular home.
- 5.) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- 6.) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- 7.) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- 8.) **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.0435 of the Wisconsin Statutes shall also be applicable.
- (C) **Manufactured Home Occupancy Permits.**
- 1.) **Manufactured homes** legally located and occupied on a premises outside a licensed manufactured home community prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City Clerk within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise conformity with the applicable laws and regulations of the State and City. Such nonconforming use shall be automatically terminated upon discontinuance for any reason for twelve (12) consecutive months or if the manufactured home is damaged by fire, storm, or other casualty loss and the total structural

repairs and alterations to the manufactured home exceed fifty percent (50%) of the net value. However, in the event of such casualty loss as described herein above, the owner of said manufactured home shall be eligible to apply to the City for a conditional use permit which would authorize the owner to replace said manufactured home on the premises where it was located and occupied.

- 2.) The owner or occupant of a manufactured home shall, within five (5) days after entering a licensed manufactured home community within the City, obtain a permit from the City Clerk. Such permits shall be issued only for manufactured homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.

(D) Number of Lots or Spaces.

- 1.) Where a manufactured home community is to be established for the development of a single mobile home community, the minimum area shall be three (3) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on the site.
- 2.) These limitations shall not apply where expansion of an existing manufactured home community is concerned and where such expansion will not increase variation from requirements applying to manufactured home communities as set forth herein.

(E) Permitted and Permissible Uses and Structures. The following principal uses and structures are permitted within authorized manufactured home communities:

- 1.) Permitted Use. One-family detached manufactured homes (residential manufactured home.) Also, in manufactured home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted. Manufactured homes may be sold on lots they occupy in residential use in a manufactured home community.
- 2.) Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

(F) Manufactured Home Community Developer's Permit.

- 1.) No person shall construct or extend any manufactured home community or manufactured home community building or facility within the limits of the City without first securing a manufactured home community developer's permit from the City. Such permits shall be issued after the recommendation of the Planning

Commission, Zoning Administrator, and approval by the City Council.

- 2.) Applications for manufactured home community developer's permits shall be filed with the City Clerk with sufficient copies for the City Clerk to forward, one (1) each to the Building Inspector, Fire Chief, Chief of Police, and City Engineer who shall investigate and review said application to determine whether the applicant, the premises on which said community will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and City and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- 3.) Applications for manufactured home community developer's permit shall be accompanied by a non-refundable fee as established from time-to-time by resolution of the City Council to cover the cost of investigation and processing. This does not include regular building permit fees for all buildings or structures to be erected within the proposed community.
- 4.) Applications shall be made on forms furnished by the City Clerk and shall include the following information:
 - a.) Name and address of applicant.
 - b.) Location and legal description of the proposed community / community, addition, modification, or extension.
 - c.) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - d.) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed community showing but not limited to:
 - i. Plans and specifications of all utilities, including: sewerage collection and disposal storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems;
 - ii. Location and width of roadways and walkways, buffer strips, recreational and other common areas;
 - iii. The location of manufactured home stands with the manufactured home spaces, including a detailed sketch of at least one (1) typical manufactured home space and stand therein;
 - iv. Landscape plan showing all plantings;

- v. Plans and specifications of all community buildings and structures, including emergency weather shelters, recreational areas, parks, and playgrounds, and sidewalks along public rights-of-way.
 - e.) Interest of applicant in proposed manufactured home community or extension. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed community, addition, modification, or extension and makes the application.
 - f.) Written statements describing proposed community/community operations, management, and maintenance, including proposed fees and charges and other requirements to be imposed on community occupants by the community operator.
 - 5.) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the City Clerk and checked by the proper municipal officials for compliance before the license is issued.
 - a.) Standard Requirements for Manufactured Home Communities, Additions, or Extensions.
- (G) All manufactured home community and modifications of, or additions or extensions to existing community shall comply with the following:
- 1.) Chapter COMM 26, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or ordinance of the State or City.
 - 2.) Manufactured home spaces shall be a minimum of forty feet (40') wide and eighty feet (80') in depth, have a setback of twenty feet (20') from all street rights-of-way, and have a side yard setback of ten feet (10'), except that driveways may extend to within four feet (4') of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No manufactured home site shall be rented for a period of less than thirty (30) days.
 - 3.) No manufactured home community shall be laid out, constructed, or operated without City sanitary sewer service.

- 4.) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and City Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three inch (3") watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- 5.) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the City Council. Open burning of waste or refuse is prohibited.
- 6.) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the community or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state, and local codes.
- 7.) Each space shall be provided with direct electrical service of not less than one hundred (100) amperes for two hundred twenty (220) volt service.
- 8.) A minimum of two (2) off-street parking spaces surfaced with bituminous, concrete, or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each manufactured home space.
- 9.) Condition of soil, ground water level, drainage, and topography shall not create hazards to the property, health, or safety of occupants of manufactured home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose, which would expose persons or property within or without the community to hazards.
- 10.) Exposed ground surfaces in all parts of every manufactured home community shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- 11.) The ground surface in all parts of every manufactured home community shall be graded and equipped to drain all surface water in a safe, sanitary, and efficient manner.

- 12.) All communities shall be furnished with individual outdoor lot lighting of twenty-five to sixty (25-60) watts so spaced and equipped with luminaries placed for the safe movement of pedestrians and vehicles at night.
- 13.) All manufactured home spaces shall abut upon a street. All streets shall be provided with a smooth, hard, and dense surface, which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the Director of Public Works, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred feet (100') shall not be allowed. A distance of at least one hundred fifty feet (150') shall be maintained between centerlines of offset intersecting streets.
- 14.) All manufactured home communities shall have a Greenbelt or buffer strip not less than ten feet (10') wide along all boundaries. Unless adequately screened by existing vegetative cover manufactured home communities shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a manufactured home community. Compliance with this requirement shall be made within ten (10) years from the granting of the manufactured home community developers permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the community, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- 15.) Manufactured home community operators shall, at the time of approval, pay any community development fees required for conventional subdivisions under applicable provisions of the City Ordinances.
- 16.) Single-family nondependent manufactured homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) community office and service buildings for exclusive use of community residents shall be the only permitted uses in manufactured home communities, provided the City Council may approve the following uses when designed and limited to exclusive use of community residents:
 - a.) Laundromats;

- b.) Clubhouses and facilities for private, social or recreation clubs;
 - c.) Swimming pools.
- 17.) No permanent signs, with an exception to manufactured home community/community owner/operator directory sign(s), shall be erected in manufactured home communities without first obtaining a permit which complies with Section 46.08.
- 18.) All manufactured home communities shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home space. Entrances to communities shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.
- 19.) All manufactured home communities shall have one or more recreation community or playground areas easily accessible to all community residents. Each recreation area shall contain not less than five thousand (5,000) square feet. Recreation areas shall be located to be free of traffic hazards and convenient to the manufactured home spaces, which they serve.
- 20.) All manufactured home communities shall have one or more structures provided as an emergency shelter against strong winds, such as tornadoes, to house three (3) people per manufactured home or not less than ten (10) square feet per person. This structure shall be below ground level unless constructed with sufficient construction materials to be reasonably resistant to tornado winds.
- (H) Manufactured or Mobile Home Community Operator's License.
- 1.) It shall be unlawful for any person to establish, operate, maintain, or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a manufactured home community within the City without a valid, un-expired manufactured home community license issued by the City Clerk and approved by the City Council upon determination that the standards in this Section have been met and payment of the required fees.
 - 2.) Manufactured home community licenses shall be issued for a calendar year, and shall expire on December 31 next succeeding the date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed there for.
 - 3.) The Annual Operator's License Fee shall be set by the City Council on an annual basis by December 15 of each year.
 - 4.) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Section 66.0435(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:

- a.) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to manufactured home community and their operation.
 - b.) Conviction of any offense under the laws of the State or Ordinances of the City relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of manufactured homes or the leasing or rental of manufactured home spaces or sale, lease or operation of community facilities.
 - c.) Operation or maintenance of the manufactured home community in a manner inimical to the health, safety and welfare of community occupants or the inhabitants of the City, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - d.) Transfer or sales of an ownership interest of any manufactured home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- 5.) Except as provided in Subsection (f) of this Section, no manufactured home community license shall be granted for any premises or to any person not meeting the following standards and requirements:
- a.) All standards and requirements set forth in Section 46.04 (12) (7) as specifically waived or modified in writing by the City Council and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the community complies with the provisions of Ch. HFS 177, Wis. Adm. Code, applicable thereto.
 - b.) Manufactured home community should be used only for the parking and occupancy of single-family nondependent manufactured homes and accessory structures and appurtenances and uses.
 - c.) Applicant shall file with the City Council certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the community as required by this chapter and are in required operating condition at the time of said application. In addition, the

Chief of Police, Building Inspector, and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations, and ordinances applicable thereto. These officials shall furnish the City Council in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.

- d.) Location and operation of the community shall comply with all zoning and land use ordinances of the State and City.
- 6.) Manufactured home community in existence and operating under a valid manufactured home community license upon the effective date of this Chapter, including communities in areas hereafter annexed to the City, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a manufactured home community developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing manufactured home community having a density in excess of that provided in Section 46.04 (12.)(7.) shall not increase its density and shall be, operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety, and welfare of community occupants or inhabitants of the City. All extensions, modifications, or additions to lawfully licensed existing communities or facilities or structures therein shall comply with this chapter.
- (I) Operation of Manufactured Home Communities; Responsibilities of Community Management.
- 1.) In every manufactured home community, there shall be located an office of the attendant or person in charge of said community. A copy of the community license and of this Chapter shall be posted therein and the community register shall, at all times, be kept in said office.
 - 2.) The attendant or person in charge and the community licensee shall operate the community in compliance with this chapter and all other applicable regulations and ordinances of the City and as well as all applicable State regulations and shall have the following duties:
 - a.) Maintain a register containing names and addresses of all owners and occupants of each mobile home, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

- b.) Notify community occupants of the Provisions of this Chapter, inform them of their duties and responsibilities, and report promptly to the proper authorities of any violations of this Chapter or any other violations of law which may come to their attention.
- c.) Report to city law enforcement officials all cases of animals affected or suspected of being affected with any dangerous communicable disease.
- d.) Supervise the placement of each manufactured home on its stand, which includes securing its stability and installing all utility connections and tie-downs.
- e.) Maintain community grounds, buildings, and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- f.) Maintain the community free from growth of noxious weeds.
- g.) Maintain the community free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the community designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- h.) Check to ensure that every manufactured home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent-proof container for the deposit of garbage and refuse in accordance with the Ordinances of the City.
- i.) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
- j.) Allow inspections of community premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 46.04 (12.)(11.) of this chapter.

(J) Responsibility and Duties of Manufactured Home Community Occupants.

- 1.) Community occupants shall comply with all applicable Requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
 - 2.) Community occupants shall be responsible for proper placement of their manufactured homes on the manufactured home stand and proper installation of all utility connections in accordance with the instructions of the community management.
 - 3.) No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home community.
 - 4.) Each owner or occupant of a nonexempt mobile home within a manufactured home community shall remit to the licensee or authorized community management the cash deposit and monthly parking permit fee.
 - 5.) It shall be the duty of every occupant of a community to give the community licensee or management, or his agent or employee, access to any part of such community or manufactured home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or ordinance of the State or City or lawful regulation or order adopted there under.
 - 6.) Manufactured homes shall be parked only on the manufactured home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
 - 7.) No person shall discharge any wastewater on the surface of the ground within any mobile home community.
 - 8.) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.
- (K) Additional Regulations on Manufactured Homes and Manufactured Home Communities.
- 1.) Wrecked, damaged, or dilapidated manufactured homes shall not be kept or stored in a manufactured home community or upon any premises in the City. The Building Inspector or City Council shall determine if a manufactured home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such manufactured homes are hereby declared to be a public nuisance. Whenever the building inspector or City Council so determines, he shall notify the licensee or landowner and owner of the manufactured home in writing that such public nuisance exist within the community or on lands owned by him giving the findings upon which his determination is based and shall order such home

removed from the community or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.

- 2.) Authorized representatives of the City Council are authorized and directed to inspect manufactured home community not less than once in every twelve (12) month period to determine the health, safety, and welfare of the occupants of the community and inhabitants of the City as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the City.
 - 3.) Fires in manufactured home community shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
 - 4.) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the community shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents, and may be performed by a professional manufactured home service technician.
 - 5.) All manufactured homes in manufactured home community shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
 - 6.) No person shall construct, alter, or add to any structure, attachment, or building in a manufactured home community or on a manufactured home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennas, or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setbacks, side yard, and rear yard requirements for manufactured home units.
 - 7.) Storage under manufactured homes is prohibited.
- (L) Compliance with Plumbing, Electrical, and Building Ordinances. All plumbing, electrical, building, and other work on or at any manufactured home community under this Chapter shall be in accordance with the Ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Council of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

(M) Standards for General Site Planning for Manufactured Home Communities. The following guides, standards, and requirements shall apply in site planning for manufactured home communities:

- 1.) Principal Vehicular Access Points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and / or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- 2.) Access for Pedestrians and Cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked, and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards maybe required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- 3.) Protection of Visibility – Automotive Traffic, Cyclists, and Pedestrians. At intersections of any streets, public or private, the provisions of Section 46.10 shall apply and is hereby adopted by reference.
- 4.) Ways for Pedestrians and / or Cyclists in Exterior Yards. In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- 5.) Internal Relationships. The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
 - a.) Streets, Drives, and Parking and Service Areas. Streets, drives, and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets

shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

- b.) Vehicular Access to Streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- c.) Ways for Pedestrians and Cyclists: Use by Emergency, Maintenance, or Service Vehicles.
 - i. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling, project facilities, and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred feet (100').
 - ii. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

(13) P-1 – Public Facility / Institution District.

Purpose. This District is intended to provide appropriate regulations for publicly used facilities, institutions, and lands while maintaining the City’s character.

- (A) Permitted Uses. The following uses are permitted in this District:
 - 1.) Public Schools;
 - 2.) Libraries;
 - 3.) Museums;
 - 4.) Parks and Recreation Facilities;
 - 5.) Public Service Facilities (Police, Fire, Utilities, City Hall);
 - 6.) Community Centers;
 - 7.) Churches;
 - 8.) Cemeteries.
- (B) Conditional Uses.
 - 1.) Hospitals, Clinic, and other medical offices.
- (C) Prohibited Uses: All other uses not specifically permitted or allowed as a Conditional use;
- (D) Dimensional Requirements;
- (E) Setback Requirements;
- (F) Lot Coverage. No more than seventy-five percent (75%) impervious coverage of total lot area;
- (G) Percent Slope. No building or structure shall be permitted on a slope twenty percent (20%) or greater, except as a Conditional Use

46.05

CONDITIONAL USES

Purpose. The development and execution of this Section is based upon the division of the City into districts, within which districts the uses of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

- (1) Authority of the Plan Commission and City Council
 - (A) The City Council may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either

regular or limited conditional use after review, public hearing and advisory recommendation from the Plan Commission, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the City Council in its findings shall further specify the delimiting reason(s) or factors, which resulted in issuing limited rather than regular conditional use. Such Council/Board resolution and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location, and legal description of the affected premises. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

- (B) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the City Council upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
 - (C) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.
- (2) Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

(2m) Non-Metallic Mining in Industrial Districts:

(A) Non-Metallic Mining:

- 1.) Non-Metallic Mining is a conditional use of land in the industrial district. In addition to taking into consideration the general criteria governing the granting of conditional use permits, the City shall specifically analyze non-metallic the general criteria governing the

granting of conditional use permits, the City shall specifically analyze non-metallic mineral proposals in light of the City's interest in providing for the wise use of the natural resources of the City and the impacts of such a mining operation on the general health, safety and welfare of the public. Each application shall be judged on its own merits.

- 2.) Permit application. The application for a conditional use permit shall include:
 - a.) A narrative description of the proposed operation, together with a time line for commencement and reclamation and nature and degree of land disturbing activities.
 - b.) A listing of the types of equipment and machinery proposed to be used in the operation, together with both the types and locations of structures necessary for the operation.
 - c.) The source, quality, quantity, and means of disposition of surface or ground water encountered in the process of or extracted in and used in the course of operating the non-metallic mine. If required by the City, information on impacts on surrounding wells shall be generated and supplied for review.
 - d.) The City reserves the right to request additional of further information or materials from the applicant beyond that submitted by him/her/it so as to enable the City to adequately analyze the proposed operation in light of the standards imposed in this section.

(B) Standard Conditional Use Permit Requirements

- 1.) The hours of operation for non-metallic mining may be limited. The hours of operation permitted may be limited based upon the nature of the defined mining operation and permitted in such a manner to allow suitable mining operations, but not interfere with the health, safety and welfare of the public.
- 2.) Notification must be provided to the City as to the specific non-metallic mining products. Notification of the re-location of crushing or separation equipment from on non-metallic mining to another must be provided to the Zoning Administrator within twenty-four (24) hours of the re-location of such equipment.

- 3.) Notification must be provided to the Zoning Administrator and adjacent neighbors at least twenty-four (24) hours prior to any blasting.
- 4.) Public roadways must be cleaned of materials at the end of the working day where non-metallic mining equipment leaves a non-metallic mining site and enters a public road.
- 5.) Non-metallic mining operations must at all times be in conformity with Wisconsin Department of Natural Resources regulations.
- 6.) If a Cultural Resource Site Review is required by the Department of Natural Resources, a copy of the site review report is to be provided to the City.
- 7.) The City upon its review of the Conditional Use Permit application may require screening from adjacent public highways and adjacent non-compatible land uses.

(C) Term of Conditional Use Permit, Renewal, Inspection, Revocation and Modification.

- 1.) Term: The term of a Conditional Use Permit for non-metallic mining operations shall be perpetual.
- 2.) Inspection: Non-metallic mining operations shall be inspected at least annually by the Zoning Administrator to ensure compliance with the requirements of the permit. An inspection fee is required to be paid by the operator.
- 3.) Revocation and Enforcement of Conditional Use Permit: If any condition or provision of the conditional use permit has been violated by the Permit Holder, the City shall notify the Permit Holder and the Permit Holder shall cure such violation in a timely manner. If Permit Holder fails to cure the violations in a timely manner, or a pattern of violations persists, the Plan Commission and/or City Council may hold a public hearing on the matter. Upon finding after such public hearing that any condition or provision of the conditional use permit has been violated, the conditional use permit may be modified or revoked by the City Council, and legal action may be initiated at any time by the City to enforce the conditional use permit in order to protect the public health, safety, and general welfare of the residents of the City of Blair.
- 4.) Permit Modifications: In the event that during the life of a permit, the operator seeks to have permit conditions modified or, in the event that the City recommends further or additional permit conditions as being required to meet the concerns of the City under this section or under the ordinance in general, upon request of either the operator or the Zoning Administrator, the City shall hold a public hearing to consider altering the original permit conditions for the remaining life of the permit. Upon the basis of the public hearing and information received and reviewed, the City shall have the discretion to impose additional permit conditions, or to remove

or modify permit conditions, or to allow the original permit conditions to stand.

- 5.) Factors to be considered for Adopting Conditions.
 - a.) When considering an application for a non-metallic mineral mining permit, the City shall consider among other factors, the effect or impact of the proposed operation upon:
 - i. Public infrastructure, including but not limited to streets and highways, schools and other public facilities;
 - ii. Present and proposed uses of land in the vicinity of the proposed operation;
 - iii. Surface water drainage, water quality and supply;
 - iv. Soil erosion;
 - v. Aesthetics, including but not limited to scenic beauty and the conservation of natural resources of outstanding quality or uniqueness;
 - vi. The market value of lands in the vicinity of the proposed operation;
 - vii. The public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment. Further, additional conditions as set forth in the Section 46.05 8(a) shall be considered.
 - b.) In order to grant a Conditional Use Permit for non-metallic mineral mining, the City shall find that the proposed operation is an appropriate land use at the site in question, based upon consideration of such factors as: existence of non-metallic mineral deposits; proximity of site to transportation facilities and to markets; and the ability of the operator to avoid harm to the public health, safety and welfare and to the legitimate interests of properties in the vicinity of the proposed operation.
- 6.) City Empowered to Reject Permit Application. The City reserves the right to deny an application for Conditional Use Permit to engage in non-metallic mineral mining upon application of the standards of this section or of this zoning

code in general. In the event that the City decides to deny a permit application, it shall do so only in writing, set forth the reason for such denial.

7.) Lapsing of Permits.

- a.) In the event that a conditional use permit has been granted for the operation of a non-metallic mineral mining and no activity has taken place under the permit whatsoever or, alternatively, where activity was originally commenced but then has been terminated and such condition of non-activity, exclusive or required, ongoing reclamation under such a permit, has continued for a period of twelve (12) months in succession, the permit shall lapse as a matter of law and no further or other activities in operating the site other than reclamation will be allowed.
- b.) Upon the lapsing of a permit under this section, the Zoning Administrator shall immediately inform the permit holder of the lapsing of the permit and notify the holder of their obligation to engage in reclamation activities to the extent that they are required to fulfill the requirements of the original permit.

8.) Effect of Ownership Transfer on Conditional Use Permit. A Conditional Use Permit issued under this chapter shall be transferable to a new owner or operator upon compliance with the terms and conditions of the existing conditional use permit.

(D) Definitions:

- 1.) “Applicant” shall mean the person, corporation, partnership or other legal entity which makes application for a Conditional Use Permit under this section.
- 2.) “Construction” shall mean the process involved in preparing a site for non-metallic mineral extraction activities, including but not limited to the stripping of topsoil and overburden, the destruction of tree cover and other vegetation, the building of access roads and the construction of accessory structures and buildings to be used in the course of mining activities.
- 3.) “City” shall mean the City of Blair and its City Council.
- 4.) “Holiday” shall mean those legal holidays recognized by the State of Wisconsin on which no work is performed by employees of the State. These shall include: New Years Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day and New Year’s Eve Day.
- 5.) “Non-Metallic Mineral Mining” or “Non-Metallic Mining” shall mean all or any part of the process involved in mineral

extraction, including but not limited to the commercial extraction or removal of over-burden and the production of refuse. It does not mean exploration, prospecting, processing of minerals or transportation facilities associated with processed minerals.

- 6.) "Operation shall mean the conducting of all activities associated with the mining of non-metallic minerals extraction from the site.
- 7.) "Permit Holder" shall mean that person to whom a permit has been issued under this section.
- 8.) "Reclamation" shall mean those restoration effects required to be engaged in by a permit holder pursuant to the Conditional Use Permit to restore the site of the non-metallic mineral mining operation to as close as to its original condition as possible after mining operations have ceased or, in the case of a phased scope of operations, during the course of operations.
- 9.) "Site" shall mean the entire legally described location of a non-metallic mining operation, including but not limited to the actual sites of land disturbing activities, non-metallic mineral extraction, storage, access roadways, and associated structures, buildings and other facilities.
- 10.) "Water Table" shall mean the upper surface of the unconfined saturated zone where the pore pressure is equal to the atmospheric pressure. IT is measured by installing wells extending a few feet into the zone of saturation and then measuring the water level in those wells.
- 11.) "Zoning Administrator" shall mean the person(s) designated by the City to administer the Zoning Ordinances.

(E) Fees. Permit fees, which apply to this chapter, are established annually by the City of Blair.

(3) Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the City. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the Standards for Conditional Use.

(4) Public Hearing on Application.

All requests for conditional uses shall be to the Plan Commission, or the Plan Commission can on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the City Council, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and

statement referred to in Section 46.04(c) above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

(5) Notice on Application.

(A) Hearing. Notice of the time, place, and purpose of such hearing shall be given by publication of a Class 2 Notice under Wisconsin Statutes in the official city newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the City Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owner of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

(B) Report of Plan Commission. The Plan Commission shall report its advisory recommendations to the City Council within thirty (30) days after a matter has been referred to it. If such action has not been reported by the Plan Commission within thirty (30) days, the City Council can act without such recommendations.

(6) Standards for Conditional Use.

No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the City Council unless such Commission and Council shall find all of the following conditions are present:

(A) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(B) That the use, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

(C) That the establishment of the conditional use will not impede the normal and orderly development of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(D) That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.

(E) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- (F) That the conditional use shall conform to all applicable regulations of the district in which it is located.
- (G) That the proposed use does not violate floodplain regulations governing the site.
- (H) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Council shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (I) That, in addition to passing upon a Conditional Use Permit, the Plan Commission and Council shall also evaluate the effect of the proposed use upon:
 - 1.) The maintenance of safe and healthful conditions;
 - 2.) The prevention and control of water pollution including sedimentation;
 - 3.) Existing topographic, drainage features, and vegetative cover on the site;
 - 4.) The location of the site with respect to floodplains and floodways of rivers and streams;
 - 5.) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
 - 6.) The location of the site with respect to existing or future access roads;
 - 7.) The need of the proposed use for a shore land location;
 - 8.) Its compatibility with uses on adjacent land;
 - 9.) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(7) Denial of Application for Conditional Use.

When an advisory recommendation of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

(8) Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

(A) Conditions. Prior to the granting of any conditional use, the City Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 46.04(f) above. In all cases in which conditional uses are granted, the Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- 1.) Landscaping;
- 2.) Type of construction;
- 3.) Construction commencement and completion dates;
- 4.) Sureties;
- 5.) Lighting;
- 6.) Fencing;
- 7.) Operational control;
- 8.) Hours of operation;
- 9.) Traffic circulation;
- 10.) Deed restriction;
- 11.) Access restrictions;
- 12.) Type of shore cover;
- 13.) Specified sewage disposal and water supply systems;
- 14.) Planting screens;
- 15.) Piers and docks;
- 16.) Increased parking; or
- 17.) Noise limitations;
- 18.) Stockpiling of soil and other materials;
- 19.) Blasting and detonation of explosive devices;
- 20.) Inspection and other fees.
 - a.) Permit holder shall provide an initial training and site visit to emergency responders to help them learn about site-specific dangers that may require additional precautions during emergency response situations.
 - b.) Due to the diversity of operations requiring a conditional use permit, the Common Council may establish a schedule of fees for conditional use permits to be issued hereunder; and

21.) Other conditions as may be imposed so as to be in compliance with state and local laws, regulations, ordinances and court decisions.

- (B) Site Review. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source, which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (C) Alteration of Conditional Use. No alteration of a conditional use shall be permitted unless approved by the City Council after recommendation from the Plan Commission.
- (D) Architectural Treatment. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the City Council may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (E) Sloped Site; Unsuitable Soils. Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (F) Conditional Uses to Comply with Other Requirements. Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

(9) Validity of Conditional Use Permit.

Where the City Council has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Council's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Council may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the City Council at least thirty (30) days before the expiration of said permit.

(10) Complaints Regarding Conditional Uses.

The City Council shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official and after seeking an advisory recommendation from the Plan Commission, the City Council shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 46.05(6) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 46.05(6) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The City Council may, in order to bring the subject conditional use into compliance with the standards set forth in Section 46.05(6) or conditions previously imposed by the City Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards a.) and b.) in Section 46.05(6) will be met, the City Council may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the City Council shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

46.06

NON-CONFORMING USES

(1) Continuation.

Except as otherwise specially provided in this Chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter.

(2) Abolishment or Replacement of Existing Non-conforming Use.

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than fifty percent (50%) of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this Chapter, a current file of all nonconforming uses shall be maintained by the City Clerk, listing the following:

- (A) Owner's name and address;
- (B) Use of the structure, land or water;
- (C) Assessed value at the time of it becoming a nonconforming use.

3) Existing Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not

conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

(4) Changes in Substitutions.

Once a non-conforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the City Council has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the City Council.

(5) Pre-Existing Substandard Lots.

A lot, which does not contain sufficient area to conform to the dimensional requirements of this Chapter, may be used as a building site for a single-family dwelling upon issuance of a building permit subject to the following conditions:

- (A) Such use is permitted in the Zoning District
- (B) The lot is on record in the County Register of Deeds Office prior to the effective date of this Chapter.
- (C) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter.
- (D) The sanitary provisions of the County Sanitary Ordinance shall apply to those lots not served by public sewer

46.07

MODIFICATIONS:

Purpose. To delineate additional requirements for buildings, structures, facilities, or premises that may not conform to standard zoning regulations.

(1) Height

- (A) Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (b) Agricultural structures, such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
- (c) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

(2) Yards

- (A) The yard requirements stipulated elsewhere in this ordinance may be modified by uncovered stairs, landings, and fire escapes, which project into

any yard. These are not to exceed six feet (6') and not closer than three feet (3') to any lot line.

- (B) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet (10') closer to the principal structure, shall not exceed fifteen feet (15') in height, shall not occupy more than twenty percent (20%) of the rear yard area, and shall not be closer than five feet (5') from any property line or public right-of-way.
- (C) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

(3) Additions

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(4) Screening Regulations

Any use required by this ordinance to be screened in accordance with this section shall be contained within an opaque fence or wall eight feet (8') feet high, or a visual screen consisting of evergreen or evergreen type hedges or shrubs.

(5) Highway Setback Requirements

(A) Highway setbacks: No building or structure shall be erected, moved or structurally altered so as to project into a setback area.

(B) Class Highways:

- 1.) All state and federal highways are hereby designated as Class A highways.
- 2.) The setback from Class A highways shall be dependent upon the zoning districts and state regulations

(C) Class B Highways:

- 1.) All town roads, public streets, and highways not otherwise classified, are hereby designated Class B highways.
- 2.) The setback from Class B highways shall be based upon the zoning district.

46.08

SIGNS:

(1) Public Policy

(A) Signs serve a useful and necessary function. However, proliferation of signs can become a hazard as well as an aesthetic municipal problem. Therefore, the dissemination and regulation of signs is legitimate and necessary municipal function

- (B) The public policies embodied by these ordinances are intended to provide reasonable guidelines and not be in conflict with federal and state regulations. Due to the diversity of the subject matter, relating to sign regulations may appear throughout these ordinances.
- (C) Section 46.08 is not intended to conflict, or over-ride, companion section of this Chapter and this Code of Ordinances. Any conflict is to be resolved in the least restrictive interpretations.

(2) Types of Signs

Signs are hereby classified A, B, C, D, E, F, and G, as follows:

- (A) Home Occupation. A home occupation, including a professional office in a residential zone, may have advertising signs. They shall not exceed four square feet in area and shall be attached to the residence.
- (B) Sale or Rent. Advertisements for sale or rent shall not exceed eight square feet in area and may be placed at the right-of-way line of the street or highway.
- (C) Directory. Advertisement for business activity and location shall not be more than twelve square feet in area. Signs may be placed at the right-of-way line of the street or highway.
- (D) General Business. Business advertising signs shall not exceed three hundred (300) square feet in area. A setback of fifty feet (50') from highway right-of-way is required, unless sign is affixed to the business building.
- (E) Commercial/Industrial. Signs attached to commercial or industrial buildings shall not exceed two hundred square feet in area. Such signs shall not exceed more than ten feet above the roofline of the building, nor exceed the maximum height of buildings permitted to that zone.
- (F) Recreational. Advertisements for recreational property shall not exceed eight square feet in area. Signs may be placed at the right-of-way line of the street or highway.
- (G) Public Facility/Institution. Informational and directory signs which shall not exceed forty-eight (48) square feet in area.

(3) Permitted Use:

- (A) Residential, R-1 and R-2: Class A and B permitted;
- (B) Business, B-1 and B-2: All classes of signs permitted;
- (C) Industry, I-1: All classes of signs permitted;
- (D) Agriculture, A-1: All classes of signs permitted;
- (E) Conservancy, C-1: All classes of signs permitted;

- (F) Manufactured Home, MH-1: Class A and B permitted;
 - (G) Public Facility/Institutional, P-1: Class G permitted.
- (4) Permit Required
- Compliance with building permit requirements, pursuant to Section 46.03, applies to Class C, D, E, F, and G signs.
- (5) Restricted/Prohibited use
- (A) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
 - (B) No sign shall be permitted that resemble the size, shape form, or color of official traffic control signs, signals, or devices.
 - (C) No sign shall be so erected and placed so as to interfere with pedestrian or vehicular travel. Any sign affixed to a building, which is not flush with the building surface, shall be at least twelve feet off of the ground.
 - (D) No flashing sign shall be allowed, unless by permit.
- (6) Non-Conforming Use
- Any nonconforming sign, as of October 6, 2008, may be continued provided there is no increase in size or illumination. Section 46.06 applies.
- (7) Variances
- A variance may be granted upon application to the City Council. The Council may, by resolution, establish guidelines and procedures for handling applications for variances.

46.09

ACCESSORY USES OR STRUCTURE

- (1) Use and Restrictions
- (A) Principal Use to be Present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
 - (B) Placement Restrictions – Residential District. An accessory use or structure in a residential district may be established subject to the following regulations:
 - 1.) Accessory Building Number Limits. In any residential district, in addition to the principal building, including an attached garage. A property owner may have a detached garage and one (1) additional accessory building. If the principal building has an attached garage, a property owner may have two (2) accessory buildings.

On lots greater than five (5) acres, in addition to the principal building, including an attached garage, a property owner may have a detached garage and three (3) additional accessory buildings. If the principal building has an attached garage, a property owner may have four (4) accessory buildings.

- 2.) Accessory Building Size Limits. No attached accessory building or structure shall exceed the height of the principal building or structure.
 - 3.) Attached Accessory Buildings. All accessory buildings which are attached to the principal building shall comply with the yard setback requirements of the principal building.
 - 4.) Detached Accessory Buildings. No detached accessory building (non-garages) shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty percent (30%) of the required rear yard, or be located within three feet (3') of any other accessory building or lot line. An accessory building shall not be nearer than ten feet (10') to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - 5.) Accessory Building Yard Requirements. Accessory building yard setback requirements shall be as prescribed for each zoning district.
 - 6.) Detached Garages. Detached garages are permitted in the rear yard and side yard only, shall not exceed thirty-six feet (36') in width, shall not exceed thirty-two feet (32') in depth, shall not exceed eighteen feet (18') in height, shall not be closer than five feet (5') to any rear lot line, nor closer than ten feet (10') to any side lot line, nor closer than fifteen feet (15') to any alley line. A detached garage shall not be closer than ten feet (10') to the principal structure unless the applicable building code regulations in regard to fire resistive construction are complied with.
- (C) Use Restrictions – Residential District. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade, or industry except for home occupations as defined and authorized herein; and shall not be occupied as a dwelling unit. Further, the accessory structures shall be aesthetically consistent with the appearance of the principal structures.

- (D) Use Restrictions – Nonresidential Districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
 - (E) Reversed Corner Lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than ten (10) feet to the side line of the adjacent structure.
 - (F) Landscaping and Decorative Uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs, flowers, and gardens. Property owners shall not allow grass and lawns to exceed twelve inches (12") in height, nor shall noxious and other weeds be allowed to accumulate. Failure to comply with this restriction shall be treated as a public nuisance, subject to Section 18.07 of these Ordinances.
 - (G) Temporary Uses. Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the City Council, and shall be removed within thirty (30) days of occupancy of the project.
 - (H) Outdoor Lighting. Outdoor lighting installations shall not be permitted closer than three feet (3') to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen feet (15') in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
 - (I) Lawn Accessories. Walks, drives, paved terraces and purely decorative garden accessories such as fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
 - (J) Retaining Walls. Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six feet (6') in height, and a terrace of at least three feet (3') in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three feet (3') to the property line.
 - (K) Wells. No private wells are allowed unless the water service isn't available to the site.
- (2) Outside Storage of Firewood.
- (A) No person shall store firewood in the front yard or corner side yard of any property subject to the zoning provisions under this chapter.
 - (B) Firewood should be neatly stacked and may not be stacked closer than two feet (2') to any lot line and not higher than six feet (6') from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

- (C) All brush, debris, and refuse from processing or using firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
 - (D) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
 - (E) Not more than a total of ten percent (10%) of the side yard and rear yard may be used for storage of firewood at any one (1) time.
- (3) Fences:
- (A) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - 1.) Fence means a structure accessory to and customarily incidental to the principal use which is erected as a barrier, divider, or enclosure.
 - 2.) Finished means that side of a fence which does not contain any exposed supporting posts or framing members; provided that, in the case of a double-sided fence, where an equal amount of supporting posts and framing timbers are visible on both sides of the fence, each side shall be considered to be a finished side.
 - 3.) Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
 - 4.) Yard, front, means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections permitted by the building code of the city. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On vacant lots, the front yard is the part facing the street.
 - 5.) Yard, rear, means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches and the rear lot line. On all lots the rear yard shall be at the opposite end of the lot from the front yard.
 - 6.) Yard, side, means a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.
 - (B) Height and Setback Requirements.

- 1.) The maximum fence height of any fence in a yard on a lot zoned Residential is six (6) feet.
 - 2.) The maximum fence height of any fence in a yard on a lot zoned Industrial, Highway Commercial, and Public and Semi-Public is ten (10) feet.
 - 3.) Vision triangle exception; On corner lots, within 20 feet each way of the corner of such lot adjacent to the street intersection, no fence shall exceed three feet in height except chain link fences with a mesh of two inches or more shall be permitted within such area to a maximum height of four feet.
 - 4.) No fences are allowed within ten (10) feet of any driveway access to a street or alley access to a street or sidewalk.
 - 5.) On side yards and back yards, subject to all other set-back requirements and regulations set forth herein, fences are permitted on the property/lot line.
 - 6.) No fences are allowed in the front yard on property zoned Residential, and fences on side yards may not extend past the rear of the house in the rear yard, unless the house has no rear yard entrance, at which point the side yard fence may extend up the side yard on one side of the house no further than to the front yard side of any side exit or entrance, if such a side exit or entrance exists.
 - 7.) On vacant lots and lots zoned Industrial, Highway Commercial, and Public and Semi-Public, no part of any fence shall be closer than thirty (30) feet from the street or sidewalk, unless allowed by the City Council.
- (C) No fences are allowed on property zoned Downtown Commercial.
- (D) Fence Materials.
- 1.) All fences on properties zoned Residential must be constructed of materials commonly used or manufactured for residential fencing purposes and shall NOT contain barbed wire, snow fence, or electrified fence.
 - 2.) All fences on properties zoned Industrial, Highway Commercial, and Public and Semi-Public must be constructed of materials commonly used or manufactured for Commercial fencing purposes and shall NOT contain barbed wire, snow fence, or electrified fence.
- (E) The finished surface of a fence shall be installed facing the exterior of the lot which is viewed by surrounding properties.
- (F) Maintenance. All fences shall be properly maintained in good working order and their appearance maintained in good condition. Any fence which has fallen into a state of disrepair or has become an eyesore or has become a danger to the safety, health, or welfare of the neighbors in the City shall be declared a public nuisance.

- (G) Permit Required. Building permits are required for all fences allowed under this ordinance and as set forth in Chapter 30 of the City's Code of Ordinances. Permit fees shall be set by Resolution of the City.
 - (H) Violations. Any person convicted of violating provisions of this ordinance shall forfeit not less than \$100.00 plus assessments and/or be subject to the penalties set forth in Chapter 30 of the City's Code of Ordinances.
- (4) Swimming Pools:
- (A) Definition: A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than twenty-four inches (24") located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
 - (B) Exempt Pools: Storable children's swimming or wading pools, with a maximum dimension of fifteen feet (15') and a maximum wall height of fifteen inches (15") and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
 - (C) Permit Required: Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector and City Clerk. Plans, specifications, and pertinent explanatory data should be submitted to the Building Inspector and City Clerk at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A non-refundable fee as established by resolution of the City Council shall accompany such application.
 - (D) Construction Requirements: In addition to such other requirements as may be reasonably imposed by the Building Inspector and City Clerk, the Building Inspector and City Clerk shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
 - 1.) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.

- 2.) All plumbing work shall be in accordance with all applicable Ordinances of the City and all State Codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located.
- 3.) All electrical installations, including lighting and heating but not limited thereto, which, are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the State Laws and City Ordinances regulating electrical installations.

(E) Setbacks and Other Requirements.

- 1.) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot are occupied by a principal building;
- 2.) Except as here in after provided no swimming pool shall be located so that any portion of the pool shall be within ten feet (10') of the principle structure, shall not be closer than five feet (5') to any rear lot line, nor ten feet (10') to any side lot line, nor fifteen feet (15') to any alley line, nor shall it occupy more than thirty percent (30%) of the rear yard area, or within ten feet (10') of any overhead electrical service or power transmission line

(F) Fence and other requirements:

- 1.) Every outdoor pool on property zoned Residential shall be completely enclosed by a fence not less than six (6) feet, nor more than eight (8) feet, in height and shall otherwise comply with Section 46.09(3) of the Code of Ordinances. A dwelling or accessory building may be used as part of the enclosure. All gates or door openings through such enclosure shall be equipped with self-closing and self-latching devised for keeping the gate and/or door securely closed, and they shall be kept securely closed at all times when not in actual use.
- 2.) Swimming pools which are so constructed so as to extend a minimum of four feet (4') above the surrounding grade and are equipped with a removable safety ladder shall be exempt from required fencing. The area surrounding said pools shall be kept free of any chairs, tables or other equipment which provide access to the pool by unsupervised children.

- 3.) These requirements shall be applicable to all swimming pools, other than indoor pools, and shall apply to all existing pools which have a minimum depth of twenty-four inches (24") of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant, or licensee, upon which is situated a swimming pool having a minimum depth of twenty-four inches (24") shall fail to provide and maintain such fence or wall except in such cases as are specifically exempted above.
 - 4.) The Building Inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein. Before the erection of any fence as required by this Section, approval of the materials to be used must be obtained from the Building Inspector.
- (G) Interference With Enjoyment of Property Rights Prohibited: No swimming pool shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, nor shall water from the swimming pool be permitted to neither flow or come upon the property of others, nor drain into the City sanitary sewer system.
- (H) Unnecessary Noise: It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool any loud, unnecessary to unusual noise, or any noise or sound which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.

46.10

TRAFFIC AND PARKING

Traffic and Parking Regulations. For the purpose of this Chapter, present and future, provision is hereby made for the division of the City of Blair into the following:

- (1) Visibility Triangles:
 - (A) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five feet (25') from the point of intersection.
 - (B) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to thirty feet (30').
 - (C) No driveway, property entrance, or parking stall shall be located closer than twenty-five feet (25') from the corner point of a street or intersection.
- (2) Parking:

- (A) All new parking lots and all alterations of existing lots shall be subject to recommendation from the Plan Commission and approval of the City Council.
- (B) All new parking lots shall provide adequate access to a public street and provided for each parking space.
- (C) Parking Lot Design Standards:
 - 1.) Ninety-degree (90°) angle parking stalls:
 - a.) Minimum Stall Width: ten feet (10’);
 - b.) Minimum Stall Length: eighteen feet (18’);
 - c.) Minimum Vertical Clearance: Six and one-half feet (6½’);
 - d.) Minimum Back-Up Isle: twenty-four feet (24’).
 - 2.) Sixty-degree (60°) angle parking stalls:
 - a.) Minimum Stall Width: twelve feet (12’);
 - b.) Minimum Stall Length: eighteen feet (18’);
 - c.) Minimum Vertical Clearance: Six and one-half feet (6½’);
 - d.) Minimum Back-Up Isle: twenty-four feet (24’) for two-way traffic, twelve feet (12’) for one-way traffic.
 - 3.) Forty-Five-degree (45°) angle parking stalls:
 - a.) Minimum Stall Width: twelve feet (12’);
 - b.) Minimum Stall Length: eighteen feet (18’);
 - c.) Minimum Vertical Clearance: Six and one-half feet (6½’);
 - d.) Minimum Back-Up Isle: twenty-four feet (24’) for two-way traffic, twelve feet (12’) for one-way traffic.
 - 4.) Parallel parking stalls:
 - a.) Minimum Stall Width: twelve feet (12’);
 - b.) Minimum Stall Length: twenty-two feet (22’);
 - c.) Minimum Vertical Clearance: Six and one-half feet (6½’).
- (3) Off-Street Parking Ratios:
 - (A) Every District shall require a minimum and maximum number of parking stalls in accordance with the permitted uses.
 - 1.) R-1 – Residential One (1) and Two (2) Family District:
 - a.) Minimum two (2) stalls per dwelling unit.
 - 2.) R-2 – Residential Multiple Family District:
 - a.) Minimum two (2) stalls per dwelling units; and

- b.) One (1) additional stall per six (6) dwelling units.
 - 3.) B-1 – Central Business/Commercial District:
 - a.) Minimum one (1) stall per four hundred (400) square feet of floor area.
 - 4.) B-2 – Highway Business/Commercial District:
 - a.) Minimum one (1) stall per three hundred (300) square feet of floor area.
 - 5.) I-1 – Industrial District:
 - a.) Minimum one (1) stall per one thousand (1,000) square feet of floor area.
 - 6.) A-1 – Agriculture District:
 - a.) Minimum two (2) stalls per dwelling unit.
 - 7.) C-1 – Conservancy/Parks District:
 - a.) Minimum two (2) stalls per facility;
 - b.) Minimum thirty (30) stalls per recreational facility (auditorium, stadium, arena, etc.).
 - 8.) MH-1 – Manufactured Homes District:
 - a.) Minimum two (2) stalls per dwelling unit; and
 - b.) One (1) additional stall per ten (10) dwelling units.
 - 9.) P-1 – Public Facility / Institutional District:
 - a.) Minimum one (1) stall per four hundred (400) square feet of floor area;
 - b.) Minimum thirty (30) stalls per facility (church, school, community center, etc.).
- (4) Driveways:
 - (A) Location:
 - 1.) Location to be on the same lot as the principal use or not over four hundred feet (400´) from the principal use.
 - 2.) No driveway, property entrance, or parking stall shall be located closer than twenty-five feet (25´) from the corner point of a street or intersection.
 - 3.) No driveway shall be located closer than five feet (5´) from the side property lines, with the exception for twin homes sharing a single property line.
 - (B) Dimensional Requirements:
 - 1.) Residential Use:
 - a.) Minimum Width: twelve feet (12´);

- b.) Maximum Width: twenty-four feet (24') along the right-of-way usage boundary.
- 2.) Business / Commercial and Industrial Use:
 - a.) Minimum Width: twelve feet (12');
 - b.) Maximum Width: thirty-six feet (36') along the right-of-way usage boundary.
- 3.) All other Uses:
 - a.) Minimum Width: twelve feet (12');
 - b.) Maximum Width: thirty-six feet (36') along the right-of-way usage boundary.

46.11

OPEN

46.12

ADMINISTRATION

- (1) Appointment:

The Zoning Administrator shall be appointed by the council to serve at their pleasure.
- (2) Conflict of Interest:

The position of Zoning Administrator may be filled by any person, including a city employee, so long as the functions to be performed do not conflict, or are incompatible with, the person's position or employment.
- (3) Compensation:

The council shall establish the compensation, if any, of the Zoning Administrator.
- (4) Functions:

The functions or duties of the Zoning Administrator include, but are not limited to, the following:

 - (A) Providing zoning information; and
 - (B) Receiving and evaluating applications for land use permits and other permits; and
 - (C) Evaluating applications for conditional use permits, variances, amendments, appeals and such other documents and information relative to the administration of this chapter; and
 - (D) Conducting inspections; and
 - (E) Investigating violations; and
 - (F) Participating in the appeal process; and
 - (G) Serving as advisor to the council on zoning related matters.

- (5) Enforcement.
- (A) Enforcement of this ordinance is vested in the Zoning Administrator, the Zoning Board of Appeals and the appropriate standing committee of the Council.
 - (B) The Zoning Administrator is entitled to pursue all formal remedies as permitted by these ordinances, as well as those available in the applicable sections of the Wisconsin Statutes. In addition, the Zoning Administrator is encouraged to pursue informal remedies, which do not involve formal sanctions.
 - (C) The withholding of a permit is an acceptable sanction, which may be utilized in order to obtain compliance with these ordinances.

- (1) Authority:
- Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- (2) Initiation of Changes or Amendments:
- The City Council, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District Boundaries hereby established or by amendments hereto in the accompanying Zoning Map made a part of this Chapter and / or the Zoning Map to be made a part of this Chapter by reference.
- (3) Procedure for Changes or Amendments:
- (A) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the City Council and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - 1.) Plot plan, drawn to a scale of one inch (1") equals one hundred feet (100') showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred feet (300') of the area proposed to be rezoned.
 - 2.) Owners' names and addresses of all properties lying within one hundred feet (100') of the area proposed to be rezoned.

- 3.) Together with additional information as may be required by the Plan Commission or City Council.
 - (B) Recommendations: The City Council or the City Clerk shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and Zoning Map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
 - (C) Hearings:
 - 1.) The City Council, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand feet (1,000') feet of any land to be affected by the proposed change or amendment.
 - 2.) The City Council may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
 - (D) City Council's Action: Following such hearing and after consideration of the Plan Commission's recommendations, the City Council shall vote on the proposed ordinance effecting the proposed change or amendment.
- (4) Protest:
- (A) In the event of a protest against a proposed amendment to the Zoning Map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred feet (100') there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred feet (100') from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of the full City Council membership.
 - (B) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths ($\frac{3}{4}$) vote of the full City Council membership to adopt such amendment.