

# CHAPTER 17

## ZONING

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**17.01 TITLE**

This Ordinance shall be known as, referred to, or cited as the “ZONING ORDINANCE, CITY OF REEDSBURG, WISCONSIN”.

**17.02 INTRODUCTION**

- (1) Authority. These regulations are adopted under authority granted by Section 62.23 (7 and 7a) of the Wisconsin Statutes. Therefore, the Common Council of the City of Reedsburg, Wisconsin, ordains these zoning regulations.
- (2) Purpose. The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (3) Intent. It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters. It is also intended to regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic and other dangers, provide adequate light, air, sanitation and drainage, prevent overcrowding, avoid undue population concentration, facilitate the adequate provision of public facilities and utilities, stabilize and protect property values, further the appropriate use of land and conservation of natural resources, preserve and promote the beauty of the community, and implement the community’s general plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (4) Interpretation. In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.
- (5) Scope. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.
- (6) Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) Repeal. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) Effective Date. This Ordinance shall be in effect after a public hearing, adoption by the City of Reedsburg Common Council and publication or posting as provided by law.

**17.03 RULES**

- (1) In the constitution of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
- (2) Words used in the present tense shall include the future.
- (3) Words used in the singular number shall include the plural number, and the plural the singular.
- (4) The word “shall” is mandatory and not discretionary.
- (5) The word “may” is permissive.

**17.04 DEFINITIONS**

As used herein, the following words and phrases shall have the following meanings.

- (1) Accessory Building Or Use. An accessory building or use is one which:
- (A) Is customary and clearly incidental to the principal building or principal use;
  - (B) Serves exclusively the principal building or principal use;
  - (C) Is subordinate in area, extent or purpose to the principal building or principal use served;
  - (D) Contributes to the comfort, convenience or necessity of occupants or the principal building or principal use served;
  - (E) Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.
  - (F) An accessory building or use includes, but is not limited to, the following. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. *(Rev. 02-23-09)*
    1. A children's playhouse, garden house, private greenhouse or patio;
    2. A garage, carport, shed or building of storage incidental to a permitted use;
    3. Incinerators incidental to a permitted use;
    4. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
    5. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
    6. Off-street motor vehicle parking areas and loading facilities; and
    7. Signs, as permitted and regulated in each district incorporated in this ordinance.
    8. Dwellings over or behind other permitted use in B-1 and B-2 Districts.
    9. Home business, as defined and permitted in this Ordinance.
  - (G) Hoop Houses. A "hoop house" is a temporary membrane structure used exclusively for the production or storage of live plants, and shall be exempt from the permit requirements of the zoning and building codes if it meets the following criteria: *(Created 9-10-12)*
    1. There is no permanent anchoring system or foundation.
    2. All membrane structures shall not exceed 400 square feet.
    3. The structure is located in the rear or side yards and is no closer than five feet from all property lines.
    4. Shall not exceed duration of one hundred twenty (120) days in a calendar year.
    5. Shall not exceed 15 ft. in height.
  - (H) Portable membrane structures such as those used for carports or storage, shall be exempt from the permit requirements of the zoning and building codes if it meets the following criteria:
    1. Shall be temporarily and securely anchored to the ground to prevent uplift.
    2. Shall not exceed 15 ft. in height.
    3. Shall not exceed 240 square feet and one per parcel.
    4. Shall meet zoning district setbacks.
    5. Shall be kept in good repair.
- (2) Agricultural Building (non-habitable): Farm buildings and structures accessory thereto not intended or used for human habitation or dwelling purposes.
- (3) Airport. An airport is any area of land that is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or hangars and other related building and open spaces.
- (4) Animal Unit means a unit of measure used to determine the total number of single animal types

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of combinations of animal types equivalent to one head of cattle weighing over 800 lbs. The following table summarizes the number of animals of varying types that are considered equivalent to one head of cattle for purposes of this Ordinance.

<u>Animal Type Category</u>	<u>No. Equivalent to One Animal Unit</u>
Cattle (above 800 lbs.)	1
Cattle (400 - 800 lbs.)	2
Calves (below 400 lbs.)	5
Horses	2
Sheep	10
Pigs (below 55 lbs.)	10
Pigs (above 55 lbs.)	2
Ducks	20
<u>Animal Type Category</u>	<u>No. Equivalent to One Animal Unit</u>
Chickens	50
Turkeys	20
Alpaca	10

- (5) Alley is any public space or thoroughfare which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.
- (6) Alteration as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.
- (7) Antenna. Any structure intended for the receipt of VHF, UHF or other high frequency waves with a parabolic receiver width of less than 30 inches or that uses any other method for reception than that which is typically used by satellite dishes.
- (8) Apartment House is a multi-family dwelling for three or more families, living independently of each other, and doing their cooking within the premises.
- (9) Area, Building. See Floor Area.
- (10) Automobile Service Station. A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplies and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.
- (11) Basement. That portion of any structure located partly below the average adjoining lot grade.
- (12) Bed and Breakfast Establishment. A building that provides four (4) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
- (13) Board. The Board of Appeals.
- (14) Boardinghouse. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
- (15) Building is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.
- (16) Building, Detached. A detached building is a building surrounded by open space on the same lot as another building.
- (17) Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.
- (18) Building, Principal. A principal building is a nonaccessory building in which is conducted the

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principal use of the lot on which it is located.

- (19) Building, Residential. A residential building is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:
- (A) Single-family detached dwellings;
  - (B) Two-family detached dwellings;
  - (C) Multiple-family dwellings (including apartment hotels);
  - (D) Lodging houses.
- For the purpose of this ordinance, any building containing any of the above uses together with other uses shall be considered a residential building.
- (20) Bulk. Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and include the following:
- (A) Size and height of buildings;
  - (B) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
  - (C) Gross floor area of buildings in relation to lot area (floor area ratio);
  - (D) All open spaces allocated to buildings; and
  - (E) Amount of lot area provided per dwelling unit or lodging room.
- (21) Bulkhead Line. A geographic line along a reach of navigable stream that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes and which allows complete filling on the landward side, except where floodway regulations of this ordinance would prohibit such filling.
- (22) Capacity in Persons. The capacity in persons of an establishment or use is the maximum number of persons that can avail themselves of the services or goods of such establishment or use at any one time, as determined by the required floor space per persons as established in the Building Code.
- (23) Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- (24) Collector Surface. means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.
- (25) Collector Use Period means 9 a.m. to 3 p.m. standard daily time.
- (26) Community Living Arrangements. A community living arrangement is any facility, licensed or operated or permitted under the authority of the Department of Health and Family Services of the State of Wisconsin.
- (27) Complex. A complex is two or more business occupancies on the same or adjoining parcels that are owned and/or managed as a unit. For sign code purposes they are a single premise regardless of the existence of individual parcels or businesses.
- (28) Comprehensive Plan: The official land use plan of the City of Reedsburg.
- (29) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district. Conditional Uses in the ordinance shall have the same meaning as special exceptions as used in Wisconsin Statutes Chapter 62.23.
- (30) Conforming Building or Structure. A conforming building or structure is any building or structure which:
- (A) Complies with all the regulations of this ordinance or any amendment thereto governing the bulk of the zoning district in which such building or structure is located; or
  - (B) Is designed or intended for a conforming use.

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- (31) Convalescent Home and Nursing Home. A convalescent home or a nursing home is a home for the aged, infirm, chronically ill or incurably ill in which five (5) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.
- (32) Corner Lot. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one-hundred thirty-five (135) degrees or less, measured on the lot side.
- (33) Court is an unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such buildings.
- (34) Development. A development is any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings or structures and the mining, dredging, filling, grading, paving, excavation or deposition of materials.
- (35) Drive-In Establishment. An establishment of the drive-in type is one that accommodates the patrons' motor vehicles, from which the occupants may obtain or receive a service or obtain a product that may be used or consumed in the vehicle, on the same premises. However, any restaurant or food establishment at which facilities are provided for patrons to consume the products therefrom in motor vehicle while on the premises, or, any such establishment which permits patrons to consume the products therefrom in motor vehicles while on the premises shall be considered a drive-in establishment.
- (36) Reserved for future use. (*Rev. 05-11-09*)
- (37) Dwelling or Dwelling Unit. One (1) or more rooms for occupancy by one (1) family that includes facilities for residential living, cooking, sanitation, and sleeping, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes. (*Rev. 05-11-09*)
- (38) Essential Service is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
- (39) Entrance, Main. The main entrance is the entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.
- (40) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (41) Fence. A "fence" is a structure providing enclosure or serving as a barrier, but not protecting against the elements (as distinguished from "building").
- (42) Floor Area (for determining lot coverage ratios). The square footage area of all building footprints. A "building footprint" is the gross horizontal area on the ground floor of a building.
- (43) Floor Area (for determining off-street parking and loading requirements). Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the areas of the several floors of the buildings devoted to such use, including accessory storage areas located with selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- (44) Floor Area Ratio (F.A.R.) The floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on the zoning lot divided by the area of such zoning

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- lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the zoning lot.
- (45) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- (46) Frontage. The smallest dimensions of a lot abutting a public street measured along the street line.
- (47) Garage, Private is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
- (48) Garage, Public or Storage is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
- (49) Reserved for Future Use. (Rev. 10-24-09)
- (50) Impermissible Interference means the blockage of solar energy to a collector surface or proposed collector surface for which a permit has been granted under this ordinance, during a collector use period and such blockage is by any structure or vegetation on property, an owner of which was notified under 17.28(3) "Impermissible Interference" does not include:
- (A) Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector.
- (B) Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under 17.28(3).
- (C) Blockage by any vegetation planted before the date the last notice is mailed or delivered under 17.28(3).
- (51) Junk is any worn out, cast off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.
- (52) Junk Yard is the use of more than 500 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk.
- (53) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- (54) Loading Area. A complete off-street space or berth of the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (55) 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 Ordinance.
- (56) Lot, Corner. A lot abutting on two or more streets at their intersection, provided that the intersection angle of such intersection is less than one-hundred thirty-five (135) degrees.
- (57) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (58) Lot Width. The measurement of the perpendicular distance between the side lot lines. On an irregular, pie, or flag shaped lot, minimum lot width is met when more than 50% of the lot's length has the required minimum width or meets the average of the lengths of the combined front and rear lot lines. (Rev. 02-23-09)

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- (59) Mobile Homes. Any structure originally designed to be capable of transportation by any motor vehicle upon public highway which is intended for occupancy as a year-round residence and which does not require substantial on-site fabrication.
- (60) Hotel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (61) Nonconforming Uses or Structures. Any structure, land, or water, lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (62) Outlot. A parcel contiguous to or located in a shopping center or complex that is, in appearance sake, part of the shopping center, but may be under separate ownership and/or management.
- (63) Parking Lot. A structure or premises containing five (5) or more parking spaces.
- (64) Parking Space. A graded and surfaced area of not less than one-hundred and eighty (180) square feet, in area either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (65) Parties in Interest. Includes all abutting property owners, all property owners within one hundred fifty (150) feet, and all property owners of opposite frontages.
- (66) Planned Residential Development-Dwelling. A planned residential development-dwelling is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two (2) or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this ordinance. The issuance of a permit for planned residential development dwelling shall require approval as provided in this ordinance.
- (67) Planned Residential Development-Mobile Home Park. A planned residential development-mobile home park is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for mobile homes and where yard requirements as required by district regulations may be modified as regulated in this ordinance. This issuance of a permit for planned residential development dwelling shall require approval as provided in this ordinance.
- (68) Premises. Land and the building upon it.
- (69) Professional Home Offices. See Home Enterprises.
- (70) Public Way. A public way is any sidewalk, street, alley, highway or other public thoroughfare.
- (71) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (72) Restaurant means any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" does not apply to churches, religious, fraternal, youth's or patriotic organizations, service clubs and civic or union organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public nor shall it include any public or private school lunchroom or private individual selling foods from a movable or temporary stand at public farm sales.

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- (73) Satellite Dish. Any structure intended for the receipt of VHF, UHF or other high frequency waves with a parabolic receiving area in excess of 30 inches.
- (74) Sexually Oriented Adult Business is defined in Section 37.03 of the Code of Ordinances and includes Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Adult Viewing Facility, Nude Model Studios or other adult sexually-oriented business. *(Created 10-22-07)*
- (75) Shopping Center. A group of three or more commercial establishments that are planned, developed, owned and/or managed as a unit. A shopping center has shared off-street parking provided on the property, joint-use access from adjoining streets and is related in its location, size and type of shops to the trade area that the unit serves.
- (76) Side Yard. A yard extending from the street yard to the rear yard of the lot, width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (77) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which everything 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 way.
- (78) Solar Collector. Means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electric energy.
- (79) Special Exception. See Conditional Use.
- (80) Street. A roadway or highway not otherwise defined lying with a recorded subdivision with a right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.
- (81) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (82) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (83) Tattoo Establishments means a business where pigment is inserted under the surface of the skin of an individual by pricking a needle or other instrument and includes body piercing.  
*(created 11-26-07)*
- (84) Townhouse. Single family building having one or more walls in common with another single family building, oriented so all exits open directly to the outside.
- (85) Trailers. Any unpowered vehicle towed by another and used for purposes such as camping, transport, and temporary construction offices.
- (86) Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.
- (87) Use, Conditional. A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this ordinance, or the impact of such use upon neighboring land and of the public need for the particular use at a particular locations, such conditional use may or may not be granted.
- (88) Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.
- (89) Use, Principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.
- (90) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations,

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static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

- (91) Variance. A situation where strict application of the Ordinance would result in a practical difficulty or unnecessary hardship, an exception may be granted by the Board of Appeals.
- (92) Vehicle. Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.
- (93) Yard. A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein.

#### 17.05 GENERAL PROVISIONS

- (1) Jurisdiction. The jurisdiction of this Ordinance shall include all lands and waters within the territorial and extraterritorial boundaries of the City of Reedsburg, Wisconsin.
- (2) Compliance. No structure, land, or water shall hereafter be used and no structure or part thereof except minor structures shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

#### 17.06 ENFORCEMENT AND ADMINISTRATION

- (1) Administrative Official. Except as otherwise provided in this Ordinance, the Zoning Commissioner shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits and certificates of Compliance. No building permit or certificate of compliance shall be issued by him except where the provisions of this Ordinance have been complied with.
- (2) Board Of Appeals. The Board of Appeals, as provided for in 17.07, shall interpret the Ordinance and hear and review request for variances. The Board of Appeals is also referred to as the Zoning Board in this Ordinance.
- (3) Planning Commission. The City Plan Commission shall have the following duties and powers:
  - (A) Recommend to the City Council proposed amendments to this Ordinance and proposed rezoning as provided for in 17.08.
  - (B) Shall review and approve all permits and licenses before issued to any property which has been issued a Certificate of Non-Conforming Use. Fees for certificates of non-conforming use are set forth in Chapter 32.
  - (C) Shall review and approve conditional use.
  - (D) Conduct public hearing for a Solar Access Permit if requested and approve permits.
  - (E) Review and approve Planned Development Groups.
  - (F) Review and approve other matters regarding zoning as provided for in this Ordinance.
- (4) City Council. The City Council shall have the responsibility to approve amendments to this Ordinance and approve property to be rezoned. See 17.08.
- (5) Building Permit Required. Subject to all other provisions of the City of Reedsburg Code, no building or structure shall be erected, added to, or structurally altered until a building permit therefore has been issued by the Zoning Commissioner. All applications for such permits shall be in accordance with the requirements of this Ordinance and, unless upon written order of the Board of Appeals, no such building permit or certificate of compliance shall be issued for any

building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

- (A) Matter Accompanying Application. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. The Zoning Commissioner may require a survey by a Registered Surveyor if necessary in his opinion to determine compliance.
- (B) Payment of Fee. One copy of such layout or plot plan shall be returned when approved by the Zoning Commissioner together with such permit to the applicant upon the payment of a fee as provided for the Building Code.
- (6) Certificate Of Compliance.
  - (A) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of compliance shall have been issued by the Zoning Commissioner, stating that the building or proposed use thereof complies with the provisions of this Ordinance.
  - (B) No nonconforming use shall be maintained, renewed, changed or extended without a certificate of compliance having first been issued by the Zoning Commissioner therefore.
  - (C) All certificates of compliance shall be applied for coincident with the application for a building permit. Said certificate shall be issued within 30 days after the erection or alteration shall have been approved.
  - (D) The Zoning Commissioner shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
  - (E) No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of compliance.
  - (F) Under such rules and regulations as may be established by the Board of Appeals and filed with the Zoning Commissioner, a temporary certificate of compliance for not more than thirty days for a part of a building may be issued by him.
- (7) Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violations, the City Council, the Zoning Commissioner, the Planning Commission, or any property owner who would be especially damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.
- (8) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than fifty (\$50.00) nor more than five hundred (\$500.00) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

## **17.07 ZONING BOARD OF APPEALS** *(Revised 11-10-08)*

The hearing and review of variance proposals shall be within the power and duty of the Board of Appeals. The procedures and conditions for granting a variance to this Ordinance shall be as provided in 17.07.

- (1) Creation, Appointment And Organization
  - (A) The Zoning Board of Appeals is created pursuant to Wis. Stat. sec. 62.23(7)(E). The board shall consist of five members appointed by the mayor, subject to confirmation of the common council, for terms of three years. The members of the board shall be

## 17.07 Zoning Board of Appeals

removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as Chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor may appoint, for staggered terms of three years, two alternate members of such board, in addition to the five members as provided for above. Annually, the mayor shall designate one of the alternate members as 1<sup>st</sup> alternate and the other as 2<sup>nd</sup> alternate. The 1<sup>st</sup> alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2<sup>nd</sup> alternate shall so act only when the 1<sup>st</sup> alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and filling of vacancies, shall apply to such alternates.

- (B) The Joint Extraterritorial Board of Appeals shall consist of four (4) members appointed by the Mayor. The Mayor shall consider nominations from each Town Board. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges, and after public hearing. The Mayor shall designate one (1) of the members Chairperson. The Mayor shall appoint an alternate member who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of an interest. The Board shall consist of:
1. One member who is a resident of the Town of Reedsburg.
  2. One member who is a resident of the Town of Winfield.
  3. One member who is a resident of the Town of Excelsior.
  4. One member who is a resident of the City of Reedsburg.
- (C) The Board of Appeals (hereinafter referring to the City Board of Appeals and the Joint Extraterritorial Board of Appeals) shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (D) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- (E) Appeals to the Board of Appeals may be taken by any persons aggrieved or by any officer, department, board or bureau of the City, affected by any decisions of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the board of appeals is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Fees for an appeal are set forth in Chapter 32.
- (2) Powers And Duties. The City of Reedsburg Board of Appeals shall have all the powers and duties prescribed by law and by this Ordinance, within the territorial limits of the City. The Joint Extraterritorial Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance within the extraterritorial limits.
- (A) Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- (B) Variations. To vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this Ordinance shall be granted by the Board of Appeals unless it finds:
1. That there are special circumstances or conditions, fully described in the findings, apply to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
  2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
  3. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- (C) Prohibited Use. Except as specifically provided, no action by the Board of Appeals shall have the effect of permitting, in any district, uses prohibited in such district.
- (D) Expirations. An expiration date for a variance may be granted if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. A variance granted under this subdivision runs with the land.
- (3) Procedure. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details if the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the City Clerk, by case number under one or another of the following headings: Interpretations; Variations; together with all documents pertaining thereto. The Board of Appeals shall notify the City Council and the Planning Commission of the City of Reedsburg or the Joint Extraterritorial Committee of each interpretation and each variance granted under the provisions of this Ordinance.
- (4) Notice And Hearing. No action of the Board shall be taken on any case until after proper notice has been given and public hearing has been held. Proper notice of a hearing before the Board shall be, besides "Public Notice", written notice mailed to the owner or his agent and, so far as it is practicable, written notice to parties of interest. If a quorum is present, the board of appeals may take action by a majority vote of the members present.

## 17.07 Zoning Board of Appeals

- (5) Rehearing. An owner of property, or his or her authorized agent, shall not file an appeal for zoning variance affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Board of Appeals determines that:
  - (A) Conditions affecting the property have changed substantially,
  - (B) The nature of the request has changed substantially from the date of the previous petition, or
  - (C) If the City attorney by a written opinion states that in the attorney's professional opinion the decision made by the Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- (6) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts a stay would, in the Zoning Administrator's opinion, cause imminent peril of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on due cause shown.

## 17.08 AMENDMENTS AND REZONING

- (1) The City Council may from time to time on its own motion, or on petition, or on recommendation of the Planning Commission, amend, supplement, or repeal the regulations and provisions of this ordinance and change the boundaries of zoning districts. In the event that the proposed rezoning is not at the request of the municipality, the petitioner shall pay the fee set forth in Chapter 32.
- (2) Every such proposed amendment or change whether initiated by the City Council or by petition shall be referred to the Planning Commission for report thereon before the public hearing hereinafter provided for.
- (3) The City Council by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:
  - (A) By publishing a Class II Notice under Chapter 985 Wisconsin Statutes.
  - (B) By mailing a notice thereof to parties of interest.
  - (C) The notice shall state the general nature of the proposed amendments as well as the text.
- (4) In case of protest against such change duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of land included in such proposed amendment, supplement or change, or by the owners of twenty (20%) percent or more of the area of the land immediately adjacent extending one-hundred (100') feet therefrom, or by the owners or twenty (20%) percent or more of the owners of land directly opposite thereto extending one-hundred (100') feet from the street frontage of such opposite land, such amendment supplement or change shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council.

## 17.09 ZONING DISTRICTS

- (1) ESTABLISHMENT OF DISTRICTS. For the purposes of this chapter, the City is hereby divided into 10 districts as follows: *(Rev. 6-10-08)*
  - R1 - Residential, one and two-family
  - R2 - Residential, one and two-family
  - R3 - Residential, multiple-family
  - B1 - Business, Central Business District
  - B2 - Business, General
  - B3 - Business, Local

- I1 - Light Industrial
- I2 - Heavy Industrial
- I3 - Industrial Park
- I4 - Business Center
- A – Agriculture
- C – Conservancy
- RC – Resource Conservation

- (2) **MAPS AND BOUNDARIES.** The boundaries of these Districts in the territorial limits and extraterritorial limits of the City, are hereby established as shown on a map entitled “City of Reedsburg Official City and Extraterritorial Zoning Map”. This map is on file in the office of the Zoning Commissioner, and are hereby incorporated in this Ordinance.

### **17.10 INTERPRETATION OF DISTRICT BOUNDARIES**

- (1) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- (A) **Where Boundaries Approximately Follow Street, Alleys, or Highways.** Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line of right-of-way line of highways such lines shall be construed to be such district boundaries.
  - (B) **Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines.** Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
  - (C) **Where Boundaries Approximately Follow Lot Lines.** Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
  - (D) **Where the Boundary Follows a Railroad Line.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
  - (E) **Submerged Areas Not Included in District.** All areas within the territorial and extraterritorial limits of the City which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.
  - (F) **District Regulations Apply to Schools, Parks etc.** Any areas shown on the zoning maps as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
  - (G) **Where Property Has Not Been Included In District.** In every case where property has not been specifically included within a district, the same shall automatically be classed as lying and being in the “R-1 Residential” district until such classifications shall have been changed by an amendment to the Zoning Ordinance, as provided by law.
  - (H) **Vacation of Public Ways.** Whenever any street, alley, or other public way is vacated in the manner authorized by the law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all

17.10 Interpretation of District Boundaries

area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(2) ZONES. All zones established by this section area as shown on the following maps which are attached hereto and adopted as part of this ordinance:

- (A) Map entitled “Height Limitation Zoning Map, Reedsburg Airport, Sauk County, Wisconsin” dated June 23, 2008, and prepared by the Wisconsin Bureau of Aeronautics. (Sheet 1 of 1). *(Created 6-23-08)*

**17.11 APPLICATION OF REGULATIONS** (*Except as provided in this Ordinance:*)

- (1) Conformity of Building and Land. No building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district, as shown on the official map, in which it is located.
- (2) Conformity of Buildings. No building, structure or premises shall be erected, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.
- (3) Conformity of Open Spaces. No yard, court or open space, or part thereof, shall be included as part of the yards, court or open space similarly required for any other building, structure of dwelling under this Ordinance.

**17.12 ZONING CONTROLS**

The purpose, principal permitted uses, conditional uses, and dimensional requirements shall be as specified in Schedules 1, 2, 3, 4 & 5.

**ZONING CONTROLS**  
**SCHEDULE 1** *(Rev. 11-10-08)*  
**(RESIDENTIAL)**

<b>DISTRICT</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<b>Purpose</b>	<p>To protect the integrity of the residential areas by prohibiting incursion of incompatible nonresidential uses.</p> <p>To maintain compact residential development around the existing urban-residential areas.</p> <p>To locate one- and two-family residences only.</p>	<p>To protect the integrity of the residential areas by prohibiting incursion of incompatible nonresidential uses.</p> <p>To maintain compact residential development around the existing urban-residential areas.</p> <p>To locate one- and two-family residences only.</p>	<p>To protect the integrity of the residential areas by prohibiting incursion of incompatible nonresidential uses.</p> <p>To maintain compact residential development around the existing urban-residential areas.</p> <p>To locate residences of three or more families.</p>
<b>Principal Permitted Uses</b> <i>(Revised 2-24-05)</i>	<p>One-family dwelling Two-family dwelling</p>	<p>One-family dwelling Two-family dwelling</p>	<p>One-family dwelling Two-family dwelling Multiple-family dwellings in accordance with code section 17.42</p>
<b>Conditional Uses</b>	<p>Library Museum Park or playground Section 17.13(2) (Public and Semi-Public Uses) and Section 17.13(3) (Residential Uses) Home Business, Section 17.04 (49) for definition under Home Enterprises Bed &amp; Breakfast Establishments</p>	<p>Library Museum Mobile Home Park if in compliance with Section 17.13(6) Park or playground Section 17.13(2) (Public and Semi-Public Uses) and Section 17.13(3) (Residential Uses) Home Business, Section 17.04 (49) for definition under Home Enterprises Bed &amp; Breakfast Establishments</p>	<p>Museum Park or playground Section 17.13(2) (Public and Semi-Public Uses) and Section 17.13 (3) (Residential Uses) Home Business, Section 17.04 (49) for definition under Home Enterprises Bed &amp; Breakfast Establishments</p>

17.12 Zoning Controls  
Schedule 1

<b>DISTRICT</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<b>Accessory Uses</b>	See Section 17.04 (1)	See Section 17.04 (1)	See Section 17.04 (1)
<b>Minimum Lot Area</b>	6,000 square feet Section 17.40 for Unsewered areas	9,600 square feet Section 17.40 for Unsewered areas	9,600 square feet provided that multiple-family dwellings shall have 1,500 square feet per dwelling unit. Section 17.40 for Unsewered areas
<b>Minimum Lot Frontage</b>	40 feet	40 feet	40 feet
<b>Minimum Lot Width</b>	66 feet	80 feet	80 feet
<b>Municipal Yard Dimensions</b>			
<p><b>(a) Principal Building</b> [See exceptions in Section 17.22] [See Section 17.15(2) for substandard lots]</p> <p><b>(b) Accessory Building</b> [See Section 17.15(2) for substandard lots]</p>	<p>Street: 20 Feet</p> <ul style="list-style-type: none"> <li>▪ Corner Lots: 20/12 Feet</li> </ul> <p>Side: 8 feet</p> <p>Rear: 15 feet</p> <p>Side: 5 feet</p> <p>Rear: 5 feet</p>	<p>Street: 25 feet</p> <ul style="list-style-type: none"> <li>▪ Corner Lots: 25/20 Feet for lots within City limits.</li> </ul> <p>Side: 8 feet</p> <p>Rear: 25 feet</p> <p>Side: 5 feet</p> <p>Rear:</p>	<p>Street: 25 feet</p> <p>Side: 8 feet</p> <p>Multiple-family dwelling the lesser of ½ height or ½ width of building.</p> <p>Rear: 25 feet</p> <p>Multiple-family dwelling the lesser of ½ height or ½ width of building.</p> <p>Side: 5 feet</p> <p>Rear: 5 feet</p>
<b>Minimum Building Dimensions</b> <b>Principal Building</b>	1 <sup>st</sup> floor 24' wide x 30' wide per living unit	1 <sup>st</sup> floor 24' wide x 30' wide per living unit	1 <sup>st</sup> floor 24' wide x 30' wide per living unit 3-family or more 24' wide x 30' long per structure

17.12 Zoning Controls  
Schedule 1

<b>DISTRICT</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	
<b>Maximum Lot Coverage</b> (Floor Area Ratio)			<b>1 to 2-Family</b>	<b>3-Family or More</b>
<b>a) Principal Building</b>	38%	27%	27%	40%
<b>b) Accessory Building</b>	15%	10%	8%	10%
<b>c) Not to Exceed</b>	48%	35%	35%	50%
<b>Maximum Building Height</b>				
<b>a) Principal Building</b>	2 stories but not over 35 feet	2 stories but not over 35 feet	2 stories but not over 35 feet	
<b>b) Accessory Building</b>	15 feet as measured to the roof structure's highest point; or 20 feet and with the same setbacks as the principle building.	15 feet as measured to the roof structure's highest point; or 20 feet and with the same setbacks as the principle building.	Multiple-family dwelling 3 stories but not over 35 feet 15 feet as measured to the roof structure's highest point; or 20 feet and with the same setbacks as the principle building.	
<b>Maximum Building Area</b>				
<b>a) Garages/Accessory Buildings</b>	Two accessory structures and one attached garage are permitted up to 2000 square feet in total or the maximum lot coverage, whichever is less.	Two accessory structures and one attached garage are permitted up to 2000 square feet in total or the maximum lot coverage, whichever is less.	The maximum allowed area per unit shall be 800 square feet for attached garages or accessory buildings.	

**ZONING CONTROLS  
SCHEDULE 2  
(BUSINESS)**

<b>DISTRICT</b>	<b>B1</b>		<b>B2</b>
<b>Purpose</b>	<p>To provide primarily for Commercial and Multi-family residential activities.</p> <p>To delineate areas appropriate for commercial uses that are oriented toward the Central Business District.</p>		<p>To provide primarily for commercial activities.</p> <p>To delineate areas appropriate for commercial uses that are not oriented toward the Central Business District.</p>
<b>Principal Permitted Uses</b>	<p>Assembly &amp; Business Use (Per the IBC &amp; unless otherwise stated in this ordinance; see section 17.18)</p> <p>Bar or Night Club</p> <p>Barber Shop</p> <p>Beauty Shop</p> <p>Car Showroom, Service or Rental Club or Lodge</p> <p>Department, Drug, &amp; Retail store</p> <p>Eating &amp; Drinking Place</p> <p>Financial Institution</p> <p>Florist or Greenhouse</p> <p>Hotel or Motel</p> <p>Indoor Amusement such as Theater, Bowling Alley, etc. Jewelry Store</p> <p>Laundry or Dry-Cleaning</p> <p>Reception &amp; Delivery</p>	<p>Library</p> <p>Locksmith</p> <p>Motor fuel-dispensing facility</p> <p>Museum</p> <p>Newspaper Office &amp; Press Room</p> <p>Newsstand</p> <p>Office and Professional Service</p> <p>Professional, Business or Technical School, &amp; School or Studio for Art, Music, Dancing or Photography</p> <p>Electronic Repair Shop</p> <p>Radio or Television Studio</p> <p>Shoe Repair Shop</p> <p>Tailor &amp; Dressmaker</p> <p>Taxi Stand</p>	<p>Same as B1</p> <p>Automobile Sales and Service</p> <p>Boat Sales or Rental Equipment</p> <p>Bus Depot</p> <p>Caterers</p> <p>Car Wash</p> <p>Electrical Supply Store</p> <p>Food Locker</p> <p>Green House</p> <p>Laundry, Automatic</p> <p>Public Garage</p> <p>Outdoor Amusement such as Miniature Golf Course, Theater, etc.</p> <p>Trailer Sales or Rental Establishment</p> <p>Vegetable &amp; Fruit Market</p> <p>Veterinary Office &amp; Animal Sales</p>
<b>DISTRICT</b>	<b>B1</b>		<b>B2</b>
<b>Accessory Uses</b>	See Section 17.04(1)		See Section 17.04(1)
<b>Conditional Uses</b>	<p>Boat Sales Estab.</p> <p>Bus Terminal</p> <p>Car Wash</p> <p>Public Garage</p>	<p>Manufacturing &amp; Processing in enclosed building</p> <p>Print shop</p> <p>Tattoo Establishments</p>	<p>Same as B1</p> <p>Construction and service activities if incidental to the permitted use or a business that conducts</p>



17.12 Zoning Controls  
Schedule 2

<b>Conditional Uses</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">Multi-family dwellings in accordance with section 17.42</td> <td style="width: 33%; border: none;">Drug Store Financial Institution Florist Food Store Gift Shop Hardware Store Home Business Laundry or Dry Cleaning Medical Center or Office Park or Playground</td> <td style="width: 33%; border: none;">Place of Worship School Section 17.13(2) (Public and Semi-Public Uses) Locksmith Office Package Liquor Store Shoe Sales and Repair Specialty Store</td> </tr> <tr> <td style="border: none;">Antique Store</td> <td style="border: none;">Automobile Service</td> <td style="border: none;">Barber Shop</td> </tr> <tr> <td style="border: none;">Beauty Shop</td> <td style="border: none;">Bed &amp; Breakfast Establishment</td> <td style="border: none;">Book &amp; Stationery Store</td> </tr> <tr> <td style="border: none;">Clothing Store</td> <td colspan="2" style="border: none;"></td> </tr> </table>	Multi-family dwellings in accordance with section 17.42	Drug Store Financial Institution Florist Food Store Gift Shop Hardware Store Home Business Laundry or Dry Cleaning Medical Center or Office Park or Playground	Place of Worship School Section 17.13(2) (Public and Semi-Public Uses) Locksmith Office Package Liquor Store Shoe Sales and Repair Specialty Store	Antique Store	Automobile Service	Barber Shop	Beauty Shop	Bed & Breakfast Establishment	Book & Stationery Store	Clothing Store		
Multi-family dwellings in accordance with section 17.42	Drug Store Financial Institution Florist Food Store Gift Shop Hardware Store Home Business Laundry or Dry Cleaning Medical Center or Office Park or Playground	Place of Worship School Section 17.13(2) (Public and Semi-Public Uses) Locksmith Office Package Liquor Store Shoe Sales and Repair Specialty Store											
Antique Store	Automobile Service	Barber Shop											
Beauty Shop	Bed & Breakfast Establishment	Book & Stationery Store											
Clothing Store													
<b>Minimum Lot Area</b>	<ul style="list-style-type: none"> <li>a) One- and two-family dwellings – 6,000 square feet</li> <li>b) Combination commercial/residential uses – 6,000 square feet</li> <li>c) Multi-family dwellings – 9,000 square feet provided that multiple family dwellings shall have 2,500 square feet per dwelling.</li> <li>d) See Extraterritorial Zoning District section for parcels outside the City limits.</li> <li>e) Commercial uses – none.</li> </ul>												
<b>Minimum Yard Dimensions</b>													
<b>a) Principal Building</b>	Street: 25 feet; Multi-family, Commercial and Commercial/Residential uses – 10 feet. Side: 8 feet; Multi-family, Commercial and Commercial/Residential uses – 10 feet. Rear: 10 Feet												
<b>b) Accessory Building</b>	Side & Rear: 5 feet; Multi-family, Commercial and Commercial/Residential uses – 10 feet.												
<b>Maximum Building Height</b>													
<b>a) Principal Building</b>	45 feet												
<b>b) Accessory Building</b>	15 feet as measured to the roof structure’s highest point; or 20 feet and with the same setbacks as the principle building.												

17.12 Zoning Controls  
Schedule 2

<b>Supplemental Standards</b>	<ul style="list-style-type: none"><li>a) Total Maximum Lot Coverage (Floor Area Ratio) of principal and accessory buildings shall be 55% or 5,000 square feet, whichever is less.</li><li>b) Where a new Commercial use is adjacent to an R-zone or an existing dwelling, a solid fence along such property lines shall be installed up to 6 feet high. The Plan Commission may grant a fence up to 8 feet high if they determine it is needed for security, health or aesthetic reasons. The Plan Commission may also approve a sufficient vegetative greenbelt in lieu of a fence.</li><li>c) The Plan Commission may waive or reduce loading of off-street parking requirements if an applicant can show that a loading zone would not be required and sufficient parking would exist through shared and/or on-street parking.</li><li>d) Any outside storage shall be clearly an accessory use to the principal permitted or conditional use and screened from public areas and adjacent dwellings.</li><li>e) Any exterior lighting used with Commercial and multi-family uses shall be screened and focused downwards as not to cast light onto adjacent parcels.</li><li>f) Multi-family developments shall have no more than eight (8) units for the total development.</li></ul>
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17.12 Zoning Controls  
Schedule 3

**ZONING CONTROLS**  
**SCHEDULE 3**  
**(INDUSTRIAL)**

<b>DISTRICT</b>	<b>I1 – LIGHT INDUSTRY</b>	<b>I2 – HEAVY INDUSTRY</b>	<b>I3 – INDUSTRIAL PARK</b>
<b>Purpose</b>	To delineate those areas to be used for light industrial development only.	To delineate those areas to be used for heavy industrial development only.	To delineate those areas to be used for an industrial development only. To delineate those areas located within the Industrial Park.
<b>Principal Permitted Uses</b>	Manufacturing, processing, repairing or warehouse use Assembly of previously prepared material Truck Terminal Sexually-Oriented Adult Business	Manufacturing, processing, repairing or warehouse use Assembly of previously prepared material Truck Terminal Sexually-Oriented Adult Business	Manufacturing, processing, repairing or warehouse use Assembly of previously prepared material Sexually-Oriented Adult Business
<b>Conditional Uses</b>	Animal Hospital & Kennel Commercial Boat Dock Hotel & Motel Office Restaurant Section 17.13(2) (Public & Semi-Public Uses) and Section 17.13(5) (Planned Development Groups) Retail incidental to permitted use Construction yards	Dump Junk Yard Section 17.13(2) (Public and Semi-Public Uses), Section 17.13(4) (Mineral Extraction) and Section 17.13(5) (Planned Development Groups)	Section 17.13(2) (Public and Semi-Public Uses) Truck Terminal Retail incidental to permitted use
<b>Prohibited Uses</b>	Any use which does not comply with the performance standards specified in Section 17.36 Any use not specifically permitted	Any use which does not comply with the performance standards specified in Section 17.36 Any use not specifically permitted	Any use which does not comply with the performance standards specified in Section 17.36 Any use not specifically permitted
<b>Accessory Uses</b>	See Section 17.04(1)	See Section 17.04(1)	See Section 17.04(1)

17.12 Zoning Controls  
Schedule 3

<b>DISTRICT</b>	<b>I1 – LIGHT INDUSTRY</b>	<b>I2 – HEAVY INDUSTRY</b>	<b>I3 – INDUSTRIAL PARK</b>
<b>Minimum Yard Dimensions</b>	<p>Total Area: 8,000 square feet Front: 25 feet Loading dock: 60 feet</p> <p>Side &amp; Rear: 10 feet excluding rail track or public alley except where adjacent to an R-Zone, in which case yard shall be not less than 25 feet excluding rail track, public alley, or street width.</p>	<p>Total Area: 8,000 square feet Front: 25 feet Loading dock: 60 feet</p> <p>Side &amp; Rear: 10 feet excluding rail track or public alley except where adjacent to an R-Zone, in which case yard shall be not less than 25 feet excluding rail track, public alley, or street width.</p>	<p>Total Area: 1 acre Front: 25 feet for building. 10 feet for parking. Loading dock: 60 feet</p> <p>Side &amp; Rear: 10 feet excluding rail track or public alley except where adjacent to an R-Zone, in which case yard shall be not less than 25 feet excluding rail track, public alley, or street width.</p>
<b>Maximum Building Height</b>			
<b>a) Principal Building</b>	<p>Front: None Side &amp; Rear: None</p>	<p>Front: None Side &amp; Rear: None</p>	<p>Front: None Side &amp; Rear: None</p>
<b>b) Accessory Building</b>	<p>Front: 25 feet Side &amp; Rear: 25 feet</p>	<p>Front: 25 feet Side &amp; Rear: 25 feet</p>	<p>Front: None Side &amp; Rear: None</p>

**ZONING CONTROLS**  
**(AGRICULTURE AND CONSERVANCY)**  
**SCHEDULE 4**

<b>DISTRICT</b>	<b>A</b>	<b>C</b>
<b>Purpose</b>	<p>To provide an area exclusively for agriculture uses, and uses compatible with agriculture.</p> <p>To help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential, commercial and industrial development which results in excessive costs to the community for premature provision of essential public improvements and services.</p>	<p>To delineate those areas where substantial development of the land in the form of buildings or structures is prohibited due to severe physical features or lack of proper facilities.</p> <p>To preserve the natural state of scenic, historic and scientific areas in the City.</p>
<b>Principal Permitted</b>	<p>Within the territorial limits of the City: Agriculture, forestry, crop farming, greenhouse, horticulture, truck farming, a one-family dwelling if incident to any of the listed uses. (Keeping of animals is not a permitted use in territorial limits, see conditional use.)</p> <p>In the extraterritorial area all of the above plus dairying, general farming, livestock raising and poultry raising.</p> <p>In the extraterritorial area, scattered or clustered non-farm residential dwellings are permitted in an agriculture district; except that when Local, County or State regulations require the division of land to be done using a plat, they must be re-zoned to the appropriate Residential District.</p> <p>(See 17.40 for Extraterritorial Area).</p>	<p>Fishing, preservation of scenic, historic, and scientific areas, soil and water conservation, streambank and land and shore protection, water retention, floodplain, wildlife preserve, and public parks.</p>
<b>Conditional Uses</b>	<p>Animal Hospital if one hundred feet (100') or more from any residential district.</p> <p>Archery Range.</p> <p>Auction Barns – Premises for the occasional sale of merchandise and goods by auction may be restricted as to hours, locations, parking and other reasonable operating restrictions.</p>	<p>Drainage, water measurement and water control facilities, park buildings, utilities, and wild crop harvesting.</p>

17.12 Zoning Controls  
Schedule 4

<b>DISTRICT</b>	<b>A</b>	<b>C</b>
<b>Conditional Uses (cont.)</b>	<p>Driving Range. Golf Course.</p> <p>Section 17.13(2) (Public and Semi-Public Uses). In-season roadside stands for the sale of farm products produced on the premises.</p> <p>Section 17.13(4) (Mineral Extraction). Within the territorial limits of the City the keeping of animals including horses, mules, donkey, pony, cow, goat, sheep, pig, poultry, animal raised for fur bearing purposes or other like animals provided that 1) The Plan Commission determines that no nuisance will be created, 2) the parcel is 40 more acres in size, and 3) animal and poultry shelters, barns, corrals, feed lots, etc. shall be located more than one-hundred feet (100') from any existing non-farm residence and greater than fifty feet (50') from any lot line. In addition, the Plan Commission may require other conditions if it deems appropriate. See Section 17.10 for extraterritorial area.</p> <p>Home business, Section 17.03(2) for definition under Home Enterprise.</p>	
<b>Minimum Yard Dimensions</b>	<p>Street: 25 feet Side: Minimum 8 feet on one side, total of 20 feet. Rear: 25 feet</p>	
<b>Prohibited Uses</b>	<p>Residential use not incident to a permitted use. Any building or use not incident to an agricultural uses.</p>	<p>No structure is permitted to develop except those housing essential services accessory to the Principal or Conditional Uses or those permitted under Conditional Uses.</p> <p>Uses involved in dumping, filling, sand, mineral, soil or peat removal, or any other uses that would disturb the natural fauna, flora, watercourses, water regimen, or topography.</p>
<b>Accessory Uses</b>	See Section 17.04(1)	See Section 17.04(1)

**ZONING CONTROLS**  
**SCHEDULE 5**  
**(RESOURCE CONSERVANCY & GOVERNMENT)**

<b>DISTRICT</b>	<b>G</b>		
<b>Purpose</b>	The Government District is intended to provide a zoning district for public buildings and uses that otherwise may not fit into zones because of their specialized land use needs and public purpose. It is also intended to eliminate the uncertainty of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.		
<b>Principal Permitted Uses</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Airports                      Ambulance garages                      Cemeteries                      City or Town Halls                      Electric substations                      Health care facilities                      Libraries                      Police &amp; Fire Departments                      Post Offices                 </td> <td style="width: 50%; border: none;">                     Public parks and recreation facilities                      Public Works facilities                      Railroad rights-of-way                      Schools                      Sewer lift stations                      Stormwater controls                      Water pumping stations                      Water treatment plants                      Other similar facilities as determined by the Plan Commission                 </td> </tr> </table>	Airports Ambulance garages Cemeteries City or Town Halls Electric substations Health care facilities Libraries Police & Fire Departments Post Offices	Public parks and recreation facilities Public Works facilities Railroad rights-of-way Schools Sewer lift stations Stormwater controls Water pumping stations Water treatment plants Other similar facilities as determined by the Plan Commission
Airports Ambulance garages Cemeteries City or Town Halls Electric substations Health care facilities Libraries Police & Fire Departments Post Offices	Public parks and recreation facilities Public Works facilities Railroad rights-of-way Schools Sewer lift stations Stormwater controls Water pumping stations Water treatment plants Other similar facilities as determined by the Plan Commission		
<b>Conditional Uses</b>	Communication towers Solar access		
<b>Signs</b>	1. Ground signs – maximum 35 square feet & 15’ height; one per 500’ of lineal street frontage; minimum 2’ front setback. 2. Building signs – maximum three signs, up to 200 square feet total. 3. Temporary banners & Electronic signs as permitted in 17.38.		
<b>Maximum Height</b>	35 feet or as permitted in Section 17.27.		
<b>Minimum Lot Area</b>	None		
<b>Maximum Yard Dimensions</b>	None, except where a lot abuts an R zone along the side or rear lot line, it must maintain the same yard setback of the principal building as required in that abutting zone.		
<b>Standards for Granting Conditional Use Permits</b>	1. If any parcel is sold, conveyed, or transferred to any nongovernmental entity, the buyer or transferee must submit an application requesting the City rezone the parcel. 2. Land acquired by a government, public or quasi -public agency shall retain its existing zoning designation until such time as the zoning map is amended to designate such land in this District.		

**ZONING CONTROLS**  
**SCHEDULE 5**  
**(RESOURCE CONSERVANCY DISTRICT & GOVERNMENT)**

<b>DISTRICT</b>	<b>RC</b>
<b>Purpose</b>	To protect, maintain, and enhance woodlands, bluffs, wildlife corridors, scenic areas, significant natural areas, and farmland within the City of Reedsburg. Regulation of these areas will serve to control erosion and will promote the rural character and natural beauty of the City while seeking to assure protection of areas with significant topography, natural watersheds, ground and surface water, wildlife habitat, recreational sites, archeological sites, and other natural resources characteristics that contribute to the environmental quality and economic diversity of the City. This policy is intended to reduce the adverse pressures upon farming caused by speculative land value and consequent increases in property taxes on farmlands. In order to protect significant wildlife habitat, natural vegetation, geologic, natural and scenic features, no land shall be used and no building hereafter be erected or moved except in accordance with the regulations specified below.
<b>Principal Permitted Uses</b>	<ol style="list-style-type: none"> <li>1. General farming, including dairying, alternative/sustainable, livestock raising, poultry raising, grazing; except that no building for the housing of livestock or poultry shall be located within 300 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such building containing such livestock or poultry.</li> <li>2. Raising of grain, vegetables, mint and seed crops, nuts and berries.</li> <li>3. Greenhouses, nurseries, orchards, floriculture, viticulture, horticulture, sod farming.</li> <li>4. Beekeeping.</li> <li>5. Forest and game management; nature trails and walks.</li> <li>6. Forest preservation and reforestation.</li> <li>7. One (1) single-family dwelling, on parcels less than 5 acres which are lots of record at the time of adoption of this district.</li> <li>8. One single family dwelling on parcels 5 acres or more.</li> <li>9. Pre-existing buildings and premises located in areas subject to zoning under this district may be continued in lawful use and shall not be subject to any limitations imposed or authorized under “Nonconforming Uses,” Code sec. 17.15. Such pre-existing residences may be altered, repaired or rebuilt if destroyed, but shall be subject to setback, height and other dimensional requirements.</li> <li>10. Farm dwellings and structures accessory thereto which remain after farm consolidation may be separated from the farm lot into a parcel of not less than one (1) acre.</li> <li>11. Garages and other similar structures or uses accessory to permitted residential uses.</li> <li>12. Electric, gas and other utility uses including, but not limited to poles and lines, substations and gas lines.</li> <li>13. Home enterprises as defined at Code sec. 17.04(49).</li> </ol>

17.12 Zoning Controls  
Schedule 5

<b>DISTRICT</b>	<b>RC</b>
<b>Principal Permitted Uses (Cont.)</b>	<p>14. Signs not exceeding 32 square feet in size as follows:</p> <ul style="list-style-type: none"> <li>(a) Signs used exclusively to advertise the sale of agricultural products on the premises.</li> <li>(b) Signs identifying the name of the farm or the farm operator.</li> <li>(c) Directory signs.</li> <li>(d) Home enterprise signs.</li> </ul>
<b>Conditional Uses</b>	<p>The Joint Extraterritorial Committee, after investigation, viewing of the proposed sites and public hearing, may authorize the location of any of the following uses in this district provided that the location is consistent with the intent of this ordinance and does not significantly injure the public health, safety or welfare. The approved use shall comply with all other regulations for this district and any reasonable conditions or safeguards that the Committee may impose that are in keeping with the general intent and purpose of this ordinance.</p> <ul style="list-style-type: none"> <li>1. Stables, paddocks, and equestrian trails that are commercial in nature.</li> <li>2. Fur farms; fish farms.</li> <li>3. Animal feeding operations as defined by the Department of Natural Resources Chapter NR 243 in the Wisconsin Administrative Code.</li> <li>4. Ponds or lakes within 300 feet of a road or property line, flowage areas or dams.</li> <li>5. Agricultural related businesses including, but not limited to, farm implement dealers, feed mills, fertilizer dealers, ethanol plants, veterinary services, and sawmills located on the same premises for more than ten (10) days.</li> <li>6. Government uses such as police and fire stations, highway storage garages, schools, parks and campgrounds, airports and landing strips.</li> <li>7. Single-family dwellings, up to two (2) per farm operation, for the farm operator and hired persons deriving at least 50 percent (50%) of their income from the farm operation; with the provision that the second dwelling may be a mobile home when the occupant, or head of the occupant household of such trailer or mobile home, is employed in connection with the farm operation; provided that no such trailer or mobile home shall be located closer to the highway than the farm residence.</li> <li>8. Kennels, if located not less than 1000 feet from any residential building other than that of the owner of such a kennel.</li> </ul>
<b>Height</b>	No residential_building shall exceed a height of 35 feet.
<b>Lot Area</b>	Parcel size. The minimum parcel size to establish a residence, except as provided for in this district shall be five (5) acres.
<b>Floor Area</b>	Buildings used in whole or in part for residential purposes that are hereafter erected, moved or structurally altered shall have a minimum_floor area of 750 square feet.

17.12 Zoning Controls  
Schedule 5

<b>DISTRICT</b>	<b>RC</b>
<b>Side Yard</b>	For residential structures and accessory structures the aggregate width of the two side yards shall not be less than 50 feet and no single side yard shall be less than 20 feet wide.
<b>Rear Yard</b>	There shall be a rear yard of not less than 75 feet in depth in which no principal structure shall be erected.
<b>Highway Setback Lines</b>	All buildings or structures shall be set back at least 50 feet from the highway right-of-way.
<b>Standards for Granting Conditional Use Permits</b>	<p>Conditional use permits shall be granted only when the Joint Extraterritorial Committee shall have approved the location of each such use in writing after public hearing, and after a view of the proposed site or sties. Any permits issues shall be consistent with the general purpose and intent of this district and ordinance and shall be based on such evidence as may be presented at the public hearing in consideration of the following relevant factors:</p> <ol style="list-style-type: none"> <li>1. The effect of the proposed use on raw or irreplaceable natural areas including but not limited to significant environmental, historical, archaeological or geological areas.</li> <li>2. That consideration is given relative to the Comprehensive Plan in particular the goals, objectives and policies of that plan.</li> <li>3. Need for public services created by the proposed use.</li> <li>4. Potential for conflict with agricultural uses.</li> <li>5. Availability of alternative locations.</li> <li>6. Provide responsible surface water management.</li> <li>7. Destruction of high quality woodlots.</li> <li>8. Potential for conflict with wildlife management</li> <li>9. Historical use of the property and continuity of ownership prior to enactment of this district.</li> </ol>

<b>DISTRICT</b>	<b>G</b>
<b>Purpose</b>	The Government District is intended to provide a zoning district for public buildings and uses that otherwise may not fit into zones because of their specialized land use needs and public purpose. It is also intended to eliminate the uncertainty of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

17.12 Zoning Controls  
Schedule 5

<b>Principal Permitted Uses</b>	Airports Ambulance garages Cemeteries City or Town Halls Electric substations Health care facilities Libraries Police & Fire Departments Post Offices	Public parks and recreation facilities Public Works facilities Railroad rights-of-way Schools Sewer lift stations Stormwater controls Water pumping stations Water treatment plants Other similar facilities as determined by the Plan Commission
<b>Conditional Uses</b>	Communication towers Solar access	
<b>Signs</b>	4. Ground signs – maximum 35 square feet & 15’ height; one per 500’ of lineal street frontage; minimum 2’ front setback. 5. Building signs – maximum three signs, up to 200 square feet total. 6. Temporary banners & Electronic signs as permitted in 17.38.	
<b>Maximum Height</b>	35 feet or as permitted in Section 17.27.	
<b>Minimum Lot Area</b>	None	
<b>Minimum Yard Dimensions</b>	None, except where a lot abuts an R zone along the side or rear lot line, it must maintain the same yard setback of the principal building as required in that abutting zone.	
<b>Supplemental Standards</b>	3. If any parcel is sold, conveyed, or transferred to any nongovernmental entity, the buyer or transferee must submit an application requesting the City rezone the parcel. 4. Land acquired by a government, public or quasi -public agency shall retain its existing zoning designation until such time as the zoning map is amended to designate such land in this District.	

**17.13 CONDITIONAL USES** (Rev. 02-23-09)

- (1) Review and Approval. The Plan Commission shall review all proposed conditional uses. In granting a conditional use, the Plan Commission may prescribe conditions that it deems to be necessary to fulfill the purpose and intent of the Ordinance. Such conditions may include special landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, deed restrictions, highway access restrictions, increased yards, parking requirements or any condition related to the standards below. Pre-application conferences, amendments, expiration dates, and reapplications of Conditional Use Permits shall follow the same standards as Site Plan Reviews. In determining its findings, the Plan Commission shall take into account:
- (A) Proposed operation - No Conditional Use shall be approved by the Plan Commission unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance and will not place demands on fire, police, or other public resources in excess of current capacity.
  - (B) Architectural plans; existing and proposed structures - The proposed conditional land use shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
  - (C) Character and use of adjoining buildings and those in the vicinity - The proposed conditional land use shall not involve uses, activities, processes, materials, or equipment that would create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, and odors.
  - (D) Traffic generation, circulation and parking areas - The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
  - (E) Traffic generation and circulation, highway access and driveway locations - The proposed conditional land use shall be adequately served by public or private streets.
  - (F) Sewerage and water systems - The proposed conditional land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
- (2) Public and Semipublic Uses. The following public and semipublic uses shall be conditional uses and may be permitted as specified.
- (A) Airports, airstrips, and landing fields in the A District or the I-3 District providing that these facilities meet the regulations contained in Chapter 114, Section 135 and 136 of the Wisconsin Statutes.
  - (B) Clubs, fraternities, lodges, and meeting places of noncommercial nature in the Agriculture and Residential Districts, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
  - (C) Governmental and cultural uses such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in all Residential, Agricultural, Business and Industrial Districts. All principal uses within parks and playgrounds shall be ten (10) feet from all Residential Districts.
  - (D) Employee housing: A dwelling or lodging unit with overall living accommodations for persons who are employed at the onsite or connecting business. Employee housing is permitted as a conditional use in I-zoning districts, subject to the following standards:
    1. That such dwellings are owned by the business.
    2. That such dwellings are managed by a resident manager employed by the business which employs the residents.
    3. That residency is temporary and seasonal.
    4. That building design and landscaping matches the character of its zoning district.

17.13 Conditional Uses

5. That the development of more than twelve (12) units shall require inclusion of recreation facilities and open space. Examples may include children's play equipment, basketball, or horseshoes.
  6. That adequate provision is made to monitor and enforce restrictions on noise, parking, garbage disposal, exterior lighting and other conditions that may be imposed through the Conditional Use Permit process.
  7. That the housing is licensed and inspected by the State when applicable.
- (E) Public passenger transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in all Business and Industrial Districts provided all principal structures and uses are not less than one hundred (100') feet from any Residential District boundary.
- (F) Public, parochial and private preschool, elementary and secondary schools and churches in the Residential and Agricultural District. *(Rev. 06-28-10)*
- (G) Colleges, vocational schools, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the A and R Districts.
- (H) Bed and Breakfast and Boardinghouse establishments provided that:
1. The building is properly licensed under the laws of the State of Wisconsin and/or Sauk County.
  2. All drives and parking areas shall be hard surfaced.
  3. There shall be one off street parking stall for each guestroom. All parking stalls shall be available on the available on the premises or on adjoining premises.
  4. Any signs shall comply with the sign requirements of the zoning district where the Establishment is located.  
Establishments in Residential 1 Districts shall comply with the sign requirements for home occupations.
  5. The building shall contain sufficient smoke alarms, fire extinguishers and fire escapes as required by Wis. Adm. Code for Multiple Family Dwellings.
- (I) All adult day care centers and community and other living arrangements as defined by State statute provided that:
1. Prior to issuance of a permit, a public hearing on that issuance is held and notification of all property owners within 150 feet of the exterior boundaries of the proposed site is provided to the property owners by first class mail and a Class One Notice.
  2. The proposed center is properly certified pursuant to State law.
  3. The center proposes to locate in an area permitted within its State certification.
- (3) Residential Uses. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified.
- (A) Planned residential developments such as cluster developments, garden apartments, town houses and group housing in the R1, R2 and R3 Residential Districts are permitted. The proper preservation, care and maintenance shall be by the original and all subsequent owners (of the exterior design) of all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the community. The following provisions shall be complied with:

17.13 Conditional Uses

**Development**

**Minimum 10 Acres**

**Lot**

Area

Minimum of 2/3 of the minimum lot area or the district in which located. Minimum 3,000 sf for town houses.

Width

Minimum of 2/3 of the minimum lot width for the district in which located. Minimum 20 ft for town houses.

**Building**

Area

Maximum lot coverage of 40 percent

**Yards**

Street

Minimum 20 ft.

Rear

Minimum 50 ft.

Side

Minimum 20 ft. from street right-of-way exterior property lines of the development and other buildings.

- (B) Rest homes, nursing homes, homes for the aged and clinics in the R1 or R2 Residential Districts.
- (4) **Mineral Extraction.** Mineral extraction operations including washing, crushing, or other processing are conditional uses and may be permitted in the I2 District provided:
  - (A) The application for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing

### 17.13 Conditional Uses

existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations; and a restoration plan.

- (B) The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the inspection and administrative costs and the necessary sureties that will enable the county to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the engineer, and the form and type of such sureties shall be approved by the county's legal counsel.
  - (C) The conditional use permit shall be in effect for period not to exceed two (2) years and may be renewed upon application for renewal.
  - (D) The zoning agency shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration plan for the site.
- (5) Planned Development Groups.
- (A) Planned development groups shall be permitted in appropriate zones only after specific approval by the Plan Commission and the governing body.
  - (B) The application shall show the proposed use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian traffic, parking, public uses such as schools, and playgrounds, landscaping, other open spaces, architectural drawings and sketches showing design structures and their relationship, and such other information as may be requested by such bodies for a determination that it is desirable to deviate from certain other provisions of this Ordinance.
  - (C) The following regulations shall apply:
    - 1. Spacing and Orientation of Building Center. Exterior walls of opposite building shall be located no closer than a distance equal to the height of the taller building. A building group shall not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.
    - 2. Circulation. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscape spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
    - 3. Paving and Drainage. There shall be adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters and prevent erosion and formation of dust.
    - 4. Signs and Lighting. Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.
- (6) Mobile Home Parks. Mobile Home Parks shall be designed in accordance with the HSS177 (Wisconsin Administrative Code). In addition the following requirements shall be complied with.
- (A) The minimum size of a mobile home park shall be five (5) acres.
  - (B) The minimum size lot per mobile home shall be three thousand (3,000) square feet.
  - (C) The minimum width of mobile home site shall be forty (40) feet.
  - (D) The minimum distance between mobile home trailers shall be twenty (20) feet.

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- (E) The minimum distance between mobile home and service road shall be ten (10) feet.
  - (F) Each mobile home site shall be connected to a public water supply system and a public sewage disposal system or a private sewage disposal and water system, in accordance with ILHR 80 (Wisconsin Administrative Code), approved by the State Department of Industry, Labor and Human Relations and the Department of Natural Resources.
  - (G) All drives, parking areas and walkways shall be concrete or asphalt surfaces. There shall be one parking space for each mobile home plus additional parking spaces within the park for automotive vehicles, the combined total of which shall be not less than one and a quarter parking spaces for each mobile home space.
  - (H) The owner of a mobile home park or its agent may maintain a sales office for new mobile home units. No more than two new units shall be located within the park grounds. Laundries, washrooms, recreation rooms, maintenance equipment storage and one office for the park are also authorized. No other business or commercial use shall be located within the site.
  - (I) A minimum side yard setback of forty (40) feet at all front, side and rear lot lines of the mobile home park is required.
  - (J) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by:
    - 1. A temporary plant with fast-growing characteristics, capable of reach a height of fifteen (15) feet or more, or
    - 2. A permanent evergreen planting, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
  - (K) All mobile homes shall meet the current construction standards of the Mobile Home Manufacturing Association.
- (7) Trailer Camps. Except as otherwise provided in this Ordinance, no trailer shall be occupied except in a Federal, State or County camp or in a private campsite. Private campsites shall meet the following conditions.
- (A) Each trailer site shall be plainly marked and surfaced.
  - (B) Maximum number of trailer sites shall be ten (10) per acre.
  - (C) All drives and parking areas other than those at individual trailer sites shall be hard surfaced.
  - (D) Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements in accordance with HSS 177 Wisconsin Administrative Code.
  - (E) The water supply shall be approved by the State Department of Health and Social Services.
  - (F) The manner of sewage disposal shall be approved by the State Department of Industry, Labor and Human Relations.
  - (G) No trailer shall be less than fifty (50) feet from the front, side or rear lot lines of the camp.
  - (H) Marshland and shoreline areas shall not be altered.
- (8) Planned Unit Development (PUD)
- (A) Purpose. The purpose of these Planned Unit Development (PUD) provisions is to permit and encourage design flexibility within certain zoning districts of this ordinance through use of the Conditional Use Permit procedures. The PUD technique as described in this ordinance will enable both developers and City officials to propose, review and agree upon site plans which integrate uses such as housing, circulation networks, nonresidential facilities and open space/recreational areas which are compatible with the natural environment.

### 17.13 Conditional Uses

- (B) Pre-application Conference. Prior to the submittal of a PUD application, the applicant shall meet with the Zoning Administrator and provide the Zoning Administrator with a concept plan for the proposed PUD. Examples of information to include on a concept plan are types and placement of structures, utilities and public facilities, recreational facilities, lot sizes, densities, landscaping and environmental treatment, pedestrian and auto circulation, the compatibility of the proposed development with surrounding uses, financing of the project, and such other information needed to gain a satisfactory understanding of the proposed development.
- (C) Preliminary Plan.
1. Following a pre-application conference, the applicant shall submit a preliminary plan for the PUD to the Plan Commission. The preliminary plan must contain that information that is required of a site plan as set forth in the Site Plan Review section of this ordinance as well as in accordance with the following provisions:
    - a. A statement of the objectives of the planned unit development, including physical, social and economic considerations
    - b. A schedule of development, including phasing of residential, public, and open space/recreation areas.
    - c. A tabulation of the land area percentages (by land use type) for residential, public, utility and open space/recreation areas
    - d. Any additional information that has been gathered by the developer that would be useful in giving the Plan Commission a description of the proposed project.
  2. The Plan Commission shall review the preliminary plan and advise the applicant of any changes that are required. A formal written response shall be given to the applicant within 10 days on the preliminary plan, including all recommendations and comments of the Plan Commission.
- (D) Final Plan. Once the applicant has been advised of the comments on the preliminary plan, he or she must submit a final plan to the Plan Commission within nine (9) months. The final plan shall include all modifications from the preliminary plan, any additional necessary or pertinent legal documents, and detailed drawings or plans of elements that were presented in the preliminary plan. During this time, the applicant must also submit an application for a Conditional Use Permit following the procedures outlined in Section 17.13. and for a zoning amendment if necessary, following the procedures outlined in Section 17.08.
- (E) Modification to Final Plan If it becomes necessary, due to unforeseen circumstances, to modify the approved final plan, the applicant shall submit, in writing, reasons for modification and the specifications of the proposed changes to the Zoning Administrator. The Plan Commission shall then review the proposed changes and shall approve the modifications, propose alternative changes or disapprove (adhere to approved final plan); in the case of a use change requiring a zoning permit, shall be forwarded to the Common Council. The Plan Commission must ensure that the standards set forth in this Article are not violated by the proposed changes to the final development plan.
- (F) Application Requirements. The application shall show the proposed use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian traffic, parking, utilities and public facilities, landscaping, open spaces, architectural drawings and sketches, and such other information determined during the pre-application conference and as may be requested by such City agencies for a determination that it is desirable to deviate from certain provisions of this Ordinance.
- (G) Standards.
1. Minimum Development Size: The total area in any given PUD shall be a minimum of five (5) acres.
  2. Design. All PUD's shall be planned and developed as a single project
  3. Exclusions from gross area. Identifiable floodplains, wetlands, bodies of water and

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areas with slopes averaging 20% or more shall be specifically excluded from all building improvements and shall not be considered in determining the developable area of the PUD.

4. Uses. PUD uses shall be the same as those listed as permitted and conditional in the B-3 zone.
5. Spacing and Orientation of Building Center. While the traditional front, side and rear yard setback requirements are not necessarily required for Planned Unit Developments, the Plan Commission shall establish minimum spacing distances between structures to assure adequate light, air, privacy and fire protection for all residents. A building group shall not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.
6. Circulation. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscape spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
7. Paving and Drainage. There shall be adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters and prevent erosion. Refer to Chapter 40 – Stormwater Utility.
8. Signs and Lighting. Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts. Refer to Chapter 17.38 – Signs.
9. Deed Restrictions: The following deed restrictions shall be in place prior to consideration for approval:
  - a. Each dwelling unit shall be owner occupied.
  - b. All units must be new construction.
10. Building heights. To ensure adequate light, ventilation, and open space amenities in the PUD while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty-five (35) feet shall be instituted.
11. Building Requirements:
  - a. The minimum width shall be fourteen (14') feet
  - b. Each unit built to Uniform Dwelling Code (UDC) or Manufactured Home (HUD) code shall be placed on one of the following foundations:
    - i. floating slab (grade beam).
    - ii. frost wall-four feet (4') minimum below grade or
    - iii. full basement.
  - c. All running gear shall be removed from manufactured homes.
12. A garage is required to be built prior to occupancy of the Principal residential structure. (Note the two-car off-street parking requirement applies. If a one car garage is built, a minimum space of 10' x 20' must be provided for a second car).
13. Perimeter Treatment. To provide adequate separation between the PUD and incompatible surrounding land uses, a buffer zone may be established on the perimeter of the development, in which no structures are to be located. The buffer zone shall be at least 20 feet deep and may extend up to 100 feet depending on the PUD's compatibility with surrounding uses. Adequate screening and landscaping or protection by natural features shall be included in the buffer zone.
14. Open Space. Open space, as defined by the Plan Commission for the purposes of these PUD design requirements, refers to those areas established specifically for

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common use by all residents or homeowners of the Planned Unit Development. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise at least 20% of the total developable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements. Proposed open space shall connect with existing open space as much as feasibly possible.

15. Densities for Residential Development. Since the Planned Unit Development concept is designed to encourage flexible and innovative building patterns, density requirements shall be based on the number of dwelling units per acre rather than the traditional minimum lot size requirements that would normally be applicable to the zoning district in which the PUD is located. The density requirements for residential uses in Planned Unit Developments shall be seven dwelling units per developable acre. Density increases may be permitted by the Plan Commission for the following reasons:

- a. The following formula shall be used in determining the increase of total additional dwelling units to be allowed as an incentive for designating additional open space within the developable area of the PUD.
  - i. For every unimproved acre of open space beyond the minimum requirement, one additional dwelling unit per three acres is allowed.
  - ii. For every improved acre of open space beyond the minimum requirement, one additional dwelling unit per two acres is allowed.
- b. For the development of a nature interpretive trail through the non-developed lands of the PUD, including such improvements as wood chip trails, wooden stairways or boardwalks, interpretive signage for significant natural features or plant and animal species, and other facilities designed to advance the appreciation of the natural environment, the Plan Commission may allow up to one additional dwelling unit per every two acres of developable land.
- c. For the employment of unusually attractive or innovative building design or grouping, such as clustering, sun orientation, variation of building setbacks or other design features determined to significantly improve the character of the PUD, the Plan Commission may allow a density increase up to one additional dwelling unit per every four acres of developable land.
- d. For the use of additional or attractive landscaping, particularly in the screening of parking areas, accessory buildings, public facilities, or utilities, the Plan Commission may allow for a density increase up to one additional dwelling unit per every four acres of developable land.

- (9) Home Businesses. The City of Reedsburg recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities. This section is intended for those uses that are the primary business of the home owner and/or contain deliveries and/or customer visits on a regular basis. It is not intended for infrequent uses or gatherings that do not otherwise conflict with the intent of this ordinance. *(Revised 9-10-12)*

(A) Administration.

1. Home businesses require Conditional Use Permits and are those land uses involving any of the following:
  - a. Requires an additional on-site, non-resident employee.
  - b. Requires additional parking for or results in additional traffic from customers and/or employees.

### 17.13 Conditional Uses

- c. Requires commercial deliveries or pick ups of materials or supplies used in the home occupation.
    - d. Any other commercial-related activity the same as or similar to those listed in subpart (B) below.
  2. No home business shall be conducted until a Conditional Use Permit has been approved by the Plan Commission. The application shall include:
    - a. The type of business and business activities.
    - b. The number of employees.
    - c. The vehicles used in the home occupation.
    - d. The number of expected customers per day.
    - e. The number of expected deliveries/drop-offs per day.
- (B) Conditional Uses. It is recognized that this list may not be all-inclusive. The Plan Commission shall determine whether a request is similar to the following listed uses as part of their decision.
  1. Home office, including, architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors and accountants.
  2. Home studios, including artists, sculptors, musicians, photographers and authors.
  3. Personal services, including barbershops and beauty parlors.
  4. Instructional services, including music, dance, art and craft classes.
  5. Repair services, including small appliances, small engines and computers/electronics.
  6. Workrooms, including weaving and woodworking.
  7. Day care homes with more than eight (8) children.
- (C) Standards. All home business requests shall meet the following standards for approval in addition to the Conditional Use Permit standards of this Ordinance:
  1. Uses permitted herein shall only be approved for parcel occupied by the parcel owner and which shall contain the owner's primary residence.
  2. Home businesses shall be conducted within the principal residential dwelling or permitted accessory building(s) and utilize less than 50% of the total dwelling floor area.
  3. Excluding day care homes, customer visits and delivery vehicles are limited to the hours of 8:00 a.m. and 7:00 p.m. The Plan Commission may allow additional operating hours if they determine through findings of fact that the hours are necessary and would not negatively affect surrounding properties.
  4. Delivery vehicles are limited to passenger vehicles, mail carriers and express carriers.
  5. Non-resident employees on the premises are limited to one (1) at any one time. The Plan Commission may allow one (1) additional employee for day care homes if they determine through findings of fact that this would not negatively affect surrounding properties.
  6. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare or other similar nuisances not normally found in the surrounding area.
  7. Home occupations shall not generate waste volumes and/or types that are not normally associated with residential use.
- (D) Conditional Approvals. The Plan Commission may impose reasonable conditions with the approval of an application, pursuant to the preceding Standards section.
- (10) Limited Agricultural Activity in Residential Districts *(Created Section (10) 11-22-10)*
  - (A) Definition. In this section, "limited agricultural activities" means the growing and harvesting of fruits, vegetables, flowers, cover crops such as oats or hay and other agricultural crops and other plants typically grown on farming operations in this area.

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- (B) Purpose. The City of Reedsburg acknowledges that in certain circumstances, subject to site-specific conditions, limited agricultural activities may be appropriate in residential districts.
- (C) Conditional Use. Limited agricultural activities are conditionally permitted in the R-1, R-2 and R-3 districts.
- (D) Standards. Conditional Use Permits for limited agricultural activities in residential districts may be granted subject to the following:
  - 1. Permits shall be for one (1) growing season with the right to reapply annually.
  - 2. The permit shall specify the crop(s) to be grown, the manner and frequency of harvest, set back from occupied lots, daytime hours of agricultural activity, notice to occupied lots of harvest days and such other reasonable conditions as deemed necessary by the City.
  - 3. A Conditional Use Permit under this section may be issued only for undeveloped areas larger than one (1) acre.

**17.14 SITE PLAN REVIEW** *(Created 02-23-09)*

- (1) Site Plan Review Authorized. The Plan Commission shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this Ordinance.
- (2) Site Plan Review Required. Site plan review shall be required in the following situations:
  - (A) Any new industrial or commercial construction. Or any expansion, alteration or change of use that affects 2,000 square feet or more of total floor area. *(Rev. 10-18-12)*
  - (B) Any Conditional Use Permit, Planned Development Group, or Planned Urban/Unit Development. *(Rev. 10-18-12)*
  - (C) Multi-family Residential Developments per section 17.42.
  - (D) Any other use as dictated in this Ordinance.
- (3) Pre-application Conference. If a prospective applicant of the Plan Commission requests a pre-application conference, the prospective applicant shall provide a generalized site plan for consideration of the overall idea of the development.
  - (A) Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure shall be discussed.
  - (B) A prospective applicant should schedule this conference with the Zoning Administrator and such other City representatives as appropriate.
  - (C) At this conference the applicant or his/her representative shall be presented with the applicable procedures required by this Ordinance for approval of the proposed development and with any special steps that might have to be followed, such as requests to the Zoning Board of Appeals as well.
  - (D) Any application requirements that are not applicable for the specific proposed development should be identified; however, the Plan Commission may require additional information that they later determine appropriate.
  - (E) There shall be no charge or fee to the applicant for this pre-application conference.
- (4) Site Plan Requirements. Each site plan shall depict the following, except for those items determined during the pre-application conference to be not applicable or if the Plan Commission grants a waiver. If the applicant fails to provide all the information required by this Ordinance, then the site plan shall be deemed incomplete and may be rejected by the Zoning Administrator on that basis.
  - (A) North arrow
  - (B) Location of property lines, dimensions, and setbacks.

#### 17.14 Site Plan Review

- (C) Location of existing and proposed public roads, rights-of-way and private easements of record.
  - (D) Location of existing water bodies, surface drainage ways, stormwater controls, floodplains, and wetlands.
  - (E) Location of existing and proposed buildings.
  - (F) Location of parking areas and all exterior lighting.
  - (G) Location of all loading / unloading areas.
  - (H) Location of all sidewalks, walkways, bicycle paths and areas for public use.
  - (I) Location of all utilities on the site.
  - (J) Location and specifications for all fences, walls, and other screening features.
  - (K) Location and specifications for all existing and proposed perimeter and internal landscaping.
  - (L) Location and specifications for screening of all trash receptacles and other solid waste disposal facilities.
  - (M) Location and specifications for proposed signs.
  - (N) Elevation drawings for proposed commercial structures.
  - (O) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
  - (P) Floor plans, when needed to determine the number of parking spaces required.
- (5) Standards for Granting Site Plan Approval. The Plan Commission shall approve, or approve with conditions, an application for a site plan upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Plan Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of this Ordinance. The Plan Commission may impose reasonable conditions with the approval of a final site plan pursuant to the following standards.
- (A) The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property, the minimization of tree and soil removal and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - (B) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - (C) All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - (D) Exterior lighting shall be arranged as follows:
    1. It is deflected away from adjacent properties.
    2. It does not impede the vision of traffic along adjacent streets.
    3. It does not unnecessarily illuminate night skies.
  - (E) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry.

#### 17.14 Site Plan Review

- (F) Site plans shall conform to all applicable requirements of City, State and Federal statutes and the City of Reedsburg Comprehensive Plan, and approval may be conditioned on the applicant receiving necessary City, State and Federal permits.
- (6) Site Plan Amendments. Amendments to an approved site plan shall be permitted under the following circumstances:
  - (A) Minor changes that still conform to the standards the Zoning Ordinance may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
    1. Reduction in the size of any building.
    2. Movement of buildings by no more than fifteen (15) feet.
    3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
    4. Changes in floor plans that do not exceed ten (10%) percent of the total floor area and which do not alter the character of the development.
    5. Internal re-arrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
    6. Changes required by City, State, or Federal regulatory agencies in order to conform with other laws or regulations, provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
  - (B) All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall submit a revised site plan showing the approved amendment.
  - (C) An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection (A) shall be processed in the same manner as the original site plan application.
- (7) Site Plan Expiration. An approved Site Plan Review shall expire one (1) year following approval by the Plan Commission, unless construction has begun pursuant to the permit, and within two (2) years if construction is not complete. Prior to the expiration, the property owner may apply to the Plan Commission for an extension prior to the expiration of the Site Plan Review.
- (8) Reapplication. No application for a Site Plan Review which has been denied, wholly or in part, by the Plan Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Administrator to be valid or if the City attorney by a written opinion states that in the attorney's professional opinion the decision made by the Plan Commission or the procedure used in the matter was clearly erroneous. A reapplication shall be processed in the same manner as the original application.
- (9) Fees. Fees for a Site Plan Review shall be the same as those for a Conditional Use Permit as established in Chapter 32 of the Municipal Code.

#### 17.15 NONCONFORMING USES AND STRUCTURES

- (1) Nonconforming Uses And Structures. The lawful use of any building, structure, or land existing at the time of the enactment of this Ordinance may be continued, provided the following conditions are met:
  - (A) Nonconforming Uses. The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance.

## 17.15 Nonconforming Uses and Structures

The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

- (B) Nonconforming Structures. A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.
1. An ordinance enacted under this subsection may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
  2. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
    - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
    - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
    - c. An ordinance enacted under this subsection shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- (C) Changes. No non-conforming building, structure or use shall be changed to another non-conforming use.
- (D) Abandonment. A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
1. When the intent of the owner to discontinue the use is apparent, or,
  2. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within 1 year, unless other facts show intention to resume the non-conforming use, or
  3. When it has been replaced by a conforming use, or
  4. When the nonconforming use is discontinued for a period of 12 months.
- (E) Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.
- (F) District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.
- (2) Substandard Lots  
In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal buildable lot or parcel of record in the County Register Of Deeds office before the effective date or amendment of this Ordinance.

**17.16 ESSENTIAL SERVICES** *(Rev. 02-23-09)*

Essential services, as defined in this Ordinance shall be permitted in all districts following Site Plan Review approval from the City Plan Commission. See section 17.04 for definition. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

**17.17 SITE RESTRICTIONS**

- (1) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, lower 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 this 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 he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability. All lots shall abut upon a public street, and each fan-shaped lot shall have a minimum street frontage of forty (40) feet.
- (2) No building permits 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.
- (3) Private sewer and water in any district where a public water supply or public sewerage service is not available, the lot area shall be determined in accordance with Chapter ILHR 83 Wisconsin Administrative Code.

**17.18 USE RESTRICTIONS** The following use restrictions and regulations shall apply:

- (1) Principal uses as specified for a district, their essential services, and the following uses shall be permitted in that district.
- (2) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.
- (3) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission.
- (4) Unclassified or unspecified uses may be permitted by the Plan Commission after it has made a review, provided that such uses are similar in character to the principal uses permitted in the district.
- (5) Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Commission.
- (6) Performance standards listed in Section 17.36 shall be complied with by all uses in all districts. *(Rev. 02-23-09)*
- (7) All principal structures will be placed on permanent foundations.

**17.19 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 Ordinance. 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.

**17.20 LIMITED NUMBER OF BUILDINGS**

There shall be not more than one (1) principal dwelling and two (2) accessory structures, including a private detached garage, in either R1 or R2 zones.

**17.21 ACCESSORY BUILDINGS**

- (1) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (2) Reserve for Future Use. *(Repealed. 02-23-09)*

**17.22 BULK REGULATIONS** *(Rev. 02-23-09)*

- (1) Continued Conformity with Bulk Regulations. The maintenance of yards, courts, usable open spaces, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, usable open spaces, other open spaces or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, usable open space, other open space or minimum lot area requirements for any other building.
- (2) Division of Improved Zoning Lots. No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the district in which the property is located.
- (3) Location of Required Open Space. All yards, courts, usable open spaces and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- (4) Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below, or further reduced, if already less than the minimum required by this ordinance for equivalent new construction.
- (5) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified:
  - (A) In all yards:
    - 1. Arbors and trellises.
    - 2. Awnings.
    - 3. Chimneys projecting twenty-four inches (24") or less into the yard.
    - 4. Fences, walls and hedges subject to the provisions of section 17.24 hereinafter.
    - 5. Flagpoles and garden ornaments.
    - 6. Overhanging eaves and gutters projecting twenty-four (24") inches or less into the yard.
    - 7. Open porches, steps, and landings that are used for access to a permitted building or for access to a zoning lot from a street or alley. *(Rev. 06-28-10)*
  - (B) In Front Yards:
    - 1. Bay windows projecting three (3') feet or less into the yard.
    - 2. Open off-street vehicle parking on a paved driveway.
  - (C) In Rear Yards:
    - 1. Accessory structures for storage.
    - 2. Air conditioning equipment.
    - 3. Balconies or decks, open to the sky, projecting six (6') feet or less into the minimum

required rear yard.

4. Detached private garages provided that in no case shall they be located closer than five (5') feet to a property line or three (3') feet to a public alley.
5. Fire escapes projecting six (6') feet or less into the yard.
6. Laundry drying equipment.
7. Bay window projecting three (3') feet or less into the yard.
8. Accessory greenhouses and swimming pools.
9. Recreational equipment provided that all such equipment shall be in condition for safe and effective performance of the function for which it is designed.
10. Satellite TV dishes.
11. Patios, open to the sky.

(D) Side Yards.

1. Fire escapes projecting not more than one-third (1/3) of the width of the side yard or not more than three (3') feet in any case.
2. Laundry drying equipment.
3. Open off-street vehicle parking spaces.
4. Bay window projecting three (3') feet or less into the yard
5. Air conditioning equipment.
6. Detached private garages provided that in no case shall they be located closer than five (5') feet to a property line or three (3') feet to a public alley.
7. Satellite TV dishes.

- (6) Free Little Libraries. Free little libraries are defined as small enclosures used solely as a means of the free exchange of literary material and recorded performing arts. They are considered accessory uses and may be established and maintained in the front yard setback zone of all R, B, and A Districts subject to the following requirements:
- (a) The primary structure may be no more than three (3) feet wide by three (3) feet deep by three (3) feet tall. The overall height of the structure shall not exceed six (6) feet including the post;
  - (b) The free little library primary structure and post must be located entirely on property that is outside the right-of-way;
  - (c) There shall be no more than one (1) free little library per property;
  - (d) Free little libraries shall be installed and maintained in a neat and orderly fashion and so as to maintain their structural integrity and safety of the public;
  - (e) Free little libraries shall not constitute a public nuisance;
  - (f) Free little libraries shall not obstruct the vision of pedestrians, motorists, or bicyclists in a way that risks public health or safety;
  - (g) Free little libraries shall not impede drainage, snow removal or other public works or utility functions, operations, or maintenance; and
  - (h) The Zoning Administrator shall have the authority to order the removal of free little libraries that fail to comply with any of the terms of this Ordinance following a thirty (30) day notice.

**17.23 ZONING OF ANNEXED LAND**

All property annexed to the City of Reedsburg from the extraterritorial zoning area shall continue to have the same zoning as it had in the extraterritorial zoning area unless recommendation for alternative zoning is made by the Planning Commission and approved by the Council. All property annexed to the City of Reedsburg outside of the extraterritorial area may be temporarily zoned as provided for in Chapters 66 of the Wisconsin State Statutes.

**17.24 FENCES** (Rev. 02-23-09)

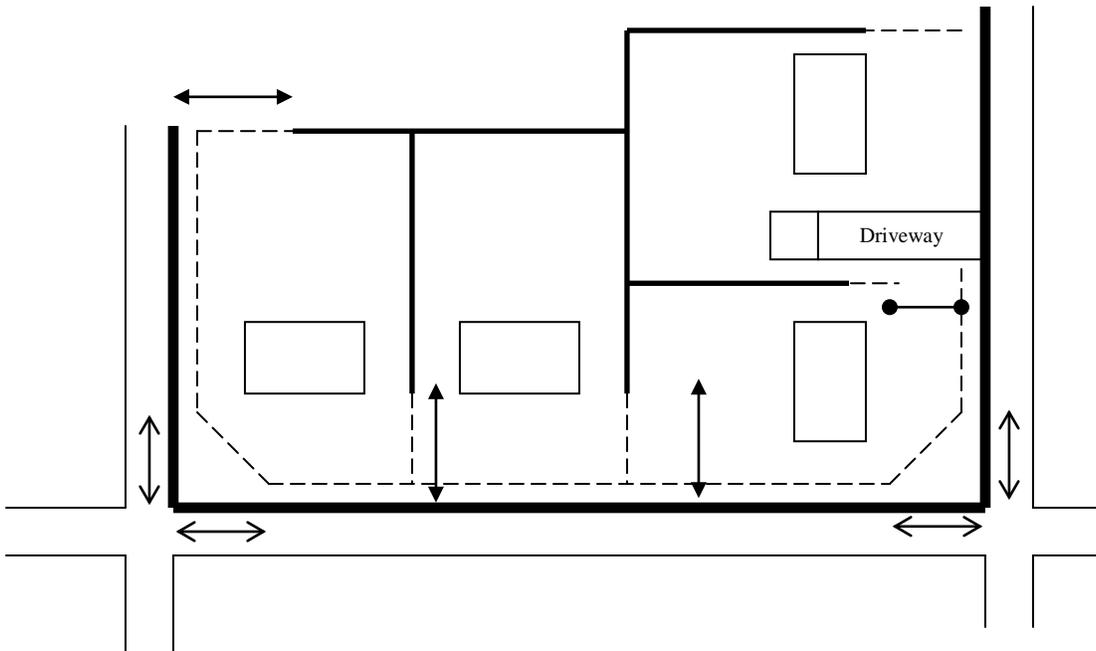
- (1) **Permit Required.** No person, firm or corporation except on a farm and for farming purposes and security fences at construction sites, shall hereafter construct or cause to be constructed or erected within the City of Reedsburg territorial and extraterritorial limits, any fence without first obtaining a building permit from the Building Inspector, paying the appropriate fee as provided by Chapter 32 and complying with the following minimum requirements:
  - (A) **Locations:** All boundary line fences shall be located entirely on private property of the person, firm or corporation constructing, or causing the construction of such fence. In any case where the exact location of any boundary line is in doubt, the applicant for a fence permit shall submit to the Building Inspector a survey thereof prepared by a registered Land Surveyor, before the fence permit is issued.
  - (B) **Construction and Maintenance:** Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every boundary line fence shall be maintained in good repair and shall not be allowed to become and remain in a condition of disrepair or constitute a hazard or nuisance, public or private. Any fence which is dangerous to the public safety, health, or welfare shall constitute a public nuisance and the Build Inspector shall commence proper proceedings for the abatement thereof.
- (2) **Electric Fences** shall only be permitted in any extraterritorial "A" District and on extraterritorial farms in other districts when related to farming, but not as boundary fences. Barbed wire fences shall only be permitted on extraterritorial farms, except as hereinafter provided.
- (3) **Residential District Fences:** In all Residential Districts, fences are permitted, subject to the following requirements and limitations:
  - (A) Fences on all corner lots shall not interfere with the vision of drivers or bicyclists.
  - (B) Fences may be constructed to a height of no more than six (6') feet on a side boundary line from the rear lot line to the front setback line of the principal building. From the front setback line of the principal building toward the street, the maximum height of a side boundary fence shall be four (4') feet. In a case where a side boundary fence is within ten (10') feet of a driveway, the fence shall have a minimum fifteen (15') front setback.
  - (C) Fences along any rear boundary line that is also the rear boundary line of an abutting lot shall not exceed six (6') feet in height.
  - (D) Fences along a rear boundary line which line constitutes the side lot line of an abutting lot shall not exceed six (6') feet in height, and shall not exceed four (4') feet in height when abutting a front yard line.
  - (E) No fence shall be erected within two (2') feet of any public right-of-way.
  - (F) In-ground swimming pools shall be enclosed with a minimum 52" high fence.
- (4) **Business District Fences.** Boundary line fences within all business districts shall not exceed six (6') feet in height except that the Plan Commission may grant a Permit for a fence up to eight (8') feet in height, provided:
  - (A) The applicant has an approved open sales lot; or
  - (B) An open sales lot classified as a non-conforming use; or
  - (C) A commercial operation which has approved storage of equipment outside the building; or
  - (D) The use could be dangerous to the public; or
  - (E) The use is for an unattractive nuisance and the applicant can show that for security reasons a fence six (6') feet in height will not be adequate.
- (5) **Industrial District Fences.** Boundary line fences in all industrial districts shall not exceed eight (8') feet in height, except that:
  - (A) Fences which are primarily erected as a security measure may have arms projecting into

17.24 Fences

the applicant's property on which barbed wire may be fastened, commencing at a point at least seven (7') feet above the ground.

- (B) Fences erected within the required front yard shall not be over six (6') feet in height.
- (C) Any use required to be screened in accordance with this Section shall be contained within an opaque fence or wall six (6') feet high or higher if greater height is required to screen materials being stored.

- (6) **Special Purpose Fence:** Fences for special purposes and fences differing in construction, height or length may be permitted in any zoning district upon issuance of a variance from the Zoning Board of Appeals. Finding shall be made by the Zoning Board of Appeals that the fence is necessary to protect the property or the public before a variance is issued.



-  Sidewalk/ROW
-  6' high fence
-  4' high fence
-  25' setback from sidewalk/ROW
-  15' setback from inside sidewalk corner
-  15' from sidewalk/ROW

17.25 DRAINAGE COURSES

#### 17.25 Drainage Courses

- (1) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community by regulating and restricting the development of areas along or in drainageways, channels, streams and creeks. The regulations that follow are intended to protect and to preserve the location, character and extent of such drainageways, channels, streams and creeks, and to protect persons and property from the hazards of development in areas that may be subject to inundation.
- (2) General Regulations
  - A) No building or structure shall be erected within any area herein described as a drainage course. For the purpose of this and the following paragraphs, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on the zoning map and shall further include any area designed or intended for use for drainage purposes as shown in a recorded subdivision.
  - B) No permit shall be issued for filling of land within a drainage course, or on any lands within one hundred (100') feet, or more than one hundred (100') feet when so designated on the zoning map, of the center line of such drainage course, except upon approval in writing by the City Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.
  - C) No permit shall be issued for excavating of land within a drainage course, or on any lands within one hundred (100') feet, or more than one hundred (100') feet when so designated on the zoning map, of the center line of such drainage course, except upon approval in writing by the City Engineer that such excavating will not divert water from the established channel, will not cause flooding of lands outside such drainage course, will not cause any erosion, and will not otherwise impair the design and character of such drainage course.
  - D) No permit shall be issued for relocation, enclosure or bridging of drainage course shall be permitted except upon approval in writing by the City Engineer that the location, character and extent of such relocation, enclosure or bridging of the drainage course shall be in the public interest.
  - E) The Zoning Commissioner may require the submittal of any such information which he and/or the City Engineer considers essential for the proper enforcement of the above regulations.

#### 17.26 DEMOLITION OF STRUCTURES

- (1) Permit. No building shall be razed, demolished, removed or wrecked without a permit from the Building Inspector. Work shall be performed in conformance with Chapter 14.09 of the City General Code.

#### 17.27 HEIGHT/ MOBILE TOWERS

- (1) 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.
- (2) Agricultural structures such as barns, silos, and windmills shall not exceed in height of their distance from the nearest lot line.
- (3) Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60') feet.
- (4) New Construction or Substantial Modification of Facilities and Support Structures.

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- (A) Per Wis. Stat. 66.0404, any of the following activities are regulated under section 17.27:
  - (1) The siting and construction of a new mobile service support structure and facilities.
  - (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- (B) If an activity described under (A) is proposed, the application shall be in writing and shall contain all of the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected support structure.
  - (3) The location of the proposed mobile service facility.
  - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (C) If an applicant submits an application for a permit to engage in an activity described under (A) and which contains all of the information required under (B), the application is considered complete. If the application is not complete, the City shall notify the applicant in writing within 10 days of receiving the application that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (D) Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90 day period:
  - (1) Review the application by the Plan Commission to determine whether it complies with all applicable aspects of the City's building code and, subject to the limitations in this section, zoning ordinance.
  - (2) Make a final decision whether to approve or disapprove the application.
  - (3) Notify the applicant, in writing, of its final decision.
  - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (E) The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under (B)(6).
- (F) A party who is aggrieved by the final decision of the Plan Commission under (4)(D)(2) may bring an action in the circuit court of Sauk County.
- (G) If an applicant provides the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.

- (H) The City may regulate the activities described under (4)(A) only as provided in this section.
- (5) Collocation of Existing Support Structures.
  - (A) A class 2 collocation is a permitted use and is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
  - (B) If an applicant submits an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (4)(B) (1) to (3), in which case the City shall consider the application complete. If any of the required information is not in the application, the City shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (C) Within 45 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 45 day period:
    - (1) Make a final decision whether to approve or disapprove the application.
    - (2) Notify the applicant, in writing, of its final decision.
    - (3) If the application is approved, issue the applicant the relevant permit.
    - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (D) A party who is aggrieved by the final decision of the Zoning Administrator under (5)(C)(1) may bring an action in the circuit court of Sauk County.
- (6) Limitations. With regard to an activity described in (4)(A) or a class 2 collocation, the City may not do any of the following:
  - (A) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
  - (B) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
  - (C) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the City.
  - (D) Charge a mobile radio service provider a fee in excess of one of the following amounts:
    - (1) For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by the City for a building permit for any other type of commercial development or land use development.
    - (2) For a permit for an activity described in (4)(A), \$3,000.
  - (E) Charge a mobile radio service provider any recurring fee for an activity described in (4)(A) or a class 2 collocation.
  - (F) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
  - (G) Disapprove an application to conduct an activity described under (4)(A) or a class 2 collocation based solely on aesthetic concerns.
  - (H) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
  - (I) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the City which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.
  - (J) Prohibit the placement of emergency power systems.
  - (K) Require that a mobile service support structure be placed on property owned by the City.
  - (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
  - (M) Condition approval of such activities on the agreement of the structure or mobile service

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facility owner to provide space on or near the structure for the use of or by the City at less than the market rate, or to provide the City other services via the structure or facilities at less than the market rate.

- (N) Limit the duration of any permit that is granted.
- (O) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- (P) Disapprove an application based on an assessment by the City of the suitability of other locations for conducting the activity.
- (Q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- (R) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- (S) Consider an activity a substantial modification under Wis. Stat. 66.0404 (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.
- (T) Consider an activity a substantial modification under Wis. Stat. 66.0404 (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- (U) Limit the height of a mobile service support structure to under 200 feet.
- (V) Condition the approval of an application on, or otherwise require the applicant's agreement to indemnify or insure the City in connection with the City's exercise of its authority to approve the application.
- (W) Condition the approval of an application on, or otherwise require the applicant's agreement to permit the City to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the City or an entity in which the City has a governance, competitive, economic, financial or other interest.

## 17.28 SOLAR ACCESS

- (1) Purpose. The purpose of this section is to provide a means for the City of Reedsburg to guarantee solar & wind access rights pursuant to 66.0403 of Wisconsin Statutes and PSC 128 of Wisconsin Administrative Codes. The Zoning Administrator or Plan Commission may waive any requirement of 17.28 for solar and wind energy systems that are intended for personal use.
- (2) General Regulations.
  - (A) Any owner who has installed or intends to install a solar or wind collector may apply to the Zoning Commissioner for a solar or wind access permit. Fees as provided in Chapter 32 shall be paid prior to the issuance of the permit.
  - (B) A permit may not affect any land except land that, at the time the permit is granted, is within the territorial limits of the City or is within the extraterritorial zoning area of the City.
- (3) Wind Energy System Notice Requirements.
  - (A) Pre-application Notice. At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
    1. Landowners within one mile of a planned wind turbine host property.
    2. Political subdivisions within which the wind energy system may be located.
    3. Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.
    4. The Wisconsin Department of Transportation.
    5. Public Service Commission.
    6. The DNR.
    7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.

8. The office of the deputy undersecretary of the U.S. Department of Defense.
  - (B) Additional Pre-application Notice to Commission. At least 180 days before filing an application to construct a wind turbine with a maximum blade tip height exceeding 600 feet, the owner shall provide written notice of the planned wind energy system to the commission.
  - (C) Pre-application Notice Requirements. The owner shall include all of the following in a notice under sub. (A) and/or (B):
    1. A complete description of the wind energy system, including the number and size of the planned wind turbines.
    2. A map showing the planned location of all wind energy system facilities.
    3. Contact information for the owner.
    4. A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.
    5. Whether the owner is requesting a joint application review process under s. PSC 128.30 (7) and the name of each political subdivision that may participate in the joint review process.
  - (D) Contents of an Application. An owner shall complete and file with the City an application that includes all of the following:
    1. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
    2. Timeline and process for constructing the wind energy system.
    3. Information regarding noise anticipated.
    4. Information regarding shadow flicker anticipated.
    5. Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
    6. Information regarding the anticipated effects on airports and airspace.
    7. Information regarding the anticipated effects on line-of-sight communications.
    8. A list of all state and federal permits required to construct and operate the wind energy system.
    9. Information regarding the planned use and modification of roads within the City or towns during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
    10. A copy of all emergency plans developed in collaboration with appropriate first responders.
    11. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with PSC 128.19.
    12. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- (4) Solar & Wind Access Permit Applications.
- (A) The Zoning Commissioner shall determine if an application is satisfactorily completed and shall notify the applicant of its determination. If an applicant receives notice that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand a notice to the owner of any property that the applicant proposes to be restricted by the permit under 17.28(4)(E). The applicant shall submit to the Zoning Commissioner a copy of a signed receipt for every notice delivered under this paragraph. The Zoning Commissioner shall supply the notice form. The information on the form may include, without limitation because of enumeration:
    1. The name and address of the applicant, and the address of land upon which the solar collector is or will be located.
    2. That an application has been filed by the applicant.
    3. That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.

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4. The telephone number, address and office hours of the Zoning Commissioner.
  5. That any person may request a hearing under 17.28(4)(B) within 30 days after receipt of the notice, and the address and procedure for filing the request.
- (B) Hearing. Within 30 days after receipt of the Notice under 17.28(4)(A) , any person who has received a notice may file a request for a hearing on the granting of a permit or the Zoning Commissioner may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the Zoning Commissioner determines that a hearing is necessary, the Plan Commission shall conduct a hearing on the application within 90 days after the last notice is delivered. At least 30 days prior to the hearing date, the Plan Commission shall notify the applicant, all owners notified under 17.28(4)(A) and any other person filing a request of the time and place of the hearing.
- (C) Permit Grant
1. The Plan Commission shall grant a permit if it determines that:
    - a. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the municipality;
    - b. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under 17.28(4)(A) has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and
    - c. The benefits to the applicant and the public will exceed any burdens.
  2. The Plan Commission may grant a permit subject to any condition or exemption it deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemption may include but are not limited to restriction on the location of the collector and requirements for the compensation of persons affected by the granting of the permit.
  3. The Plan Commission may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of the City's Comprehensive Plan, under Wis. Stat. 66.1001 (2) (b) and (f), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of the Comprehensive Plan that is updated as required under Wis. Stat. 66.1001(2)(i). This subdivision applies to a wind energy system that has a nominal capacity of at least one megawatt.
  4. Wind energy system standards for siting, noise, shadow flicker, signal interference, stray voltage, and construction & operation shall comply with PSC 128, Subchapters II and V.
  5. Small wind energy systems shall comply with PSC 128, Subchapter VI.
- (D) Record of Permit. If the Plan Commission grants a permit:
1. The Commission shall specify the property restricted by the permit under 17.28(4)(E) and shall prepare notice of the granting of the permit. The notice shall include the identification required under 17.28(4)(A) for the owner and the property upon which the solar collector is or will be located and for any owner and property restricted by the permit under 17.28(4)(E), and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated under 17.28(4)(G) or unless an agreement affecting the property is filed under 17.28(4)(H).
  2. The applicant shall record with the Register of Deeds of the County in which the property is located the notice under par. (A) for each property specified under par.

- (A) and for the property upon which the solar collector is or will be located.
  - 3. For wind systems, a political subdivision shall provide its written decision to the owner and to the commission. If a political subdivision approves an application for a wind energy system, the political subdivision shall provide the owner with a duplicate original of the decision.
  - 4. The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.
- (E) Remedies for Impermissible Interference.
- 1. Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages, except as provided under par. (B), for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:
    - a. The building permit was applied for prior to receipt of a notice under 17.28(4)(A) or the Plan Commission determines not to grant a permit after a hearing under 17.28(4)(B).
    - b. A permit affecting the property is terminated under 17.28(4)(G).
    - c. An agreement affecting the property is filed under 17.28(4)(H).
  - 2. A permit holder is entitled to an injunction to require the trimming of any vegetation that creates or would create an impermissible interference as defined under 17.28(4)(E). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs, and reasonable attorney fees.
- (F) Appeals and Complaints.
- 1. Appeals.
 

A decision of the Plan Commission to determine that an application is incomplete, or to approve, disapprove, or impose a restriction upon a wind energy system, or an action of the City to enforce a restriction on a wind energy system, may be appealed as provided under Wis. Stat. 66.0401(5).
  - 2. Complaints.
    - a. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter or an ordinance adopted under this chapter.
    - b. A complaint under shall be made first to the owner of the energy system pursuant to a complaint resolution process developed by the owner.
    - c. A complainant may petition the City for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
    - d. The City's decision under par. (C) is subject to review under Wis. Stat. 66.0401 (5).
- (G) Termination of Solar & Wind Access Rights.
- 1. Any right protected by a permit under this section shall terminate if the Plan Commission determines that the solar or wind collector who is the subject of the permit is:
    - a. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.
    - b. Not installed and functioning within 2 years after the date of issuance of the permit.
  - 2. The Plan Commission shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (A).
  - 3. If the Plan Commission terminates a permit, the Commission may charge the permit holder for the cost of recording and record a notice of termination with the Register of Deeds, who shall record the notice with the notice recorded under 17.28(3) & (4)(A) or indicate on any notice recorded under (B) that the permit has been terminated.

4. Decommissioning of wind energy systems shall comply with PSC 128.19.
- (H) Waiver. A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the Register of Deeds, who shall record such copy with the notice recorded under 17.28(4)(D)(2).
- (I) Preservation of Rights. The transfer of title to any property shall not change the rights and duties under this section.
- (J) Construction.
  1. This section may not be construed to require that an owner obtain a permit prior to installing a solar or wind collector.
  2. This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section .

### **17.29 AIRPORT**

Prior to issuing any building permit, the Zoning Commissioner shall determine that the proposed project is in compliance with any requirements related to the control and management of the City of Reedsburg Airport. The Zoning Commissioner shall obtain approval from the Airport Commission as established by Chapter 21 of the City of Reedsburg Ordinances prior to issuing a building permit for projects located adjacent to or within the space regulated by the Airport.

### **17.30 HISTORIC DISTRICTS**

Prior to issuing any building permit, the Zoning Commissioner shall determine that the proposed project is in compliance with Chapter VIII of Title 36, Part 800 of the Federal Register which deals with the protection of Historic and Cultural properties. The applicant shall provide to the Zoning Commissioner documentation to show the proposed activities will not violate Federal requirements dealing with the properties eligible for the National Register of Historic Places.

### **17.31 TRAFFIC, LOADING, PARKING AND ACCESS**

- (1) Traffic Visibility. No obstructions such as signs, structures, parked vehicles, fences or vegetation shall be permitted in any district between the heights of two and one-half (2 ½') feet and ten (10') feet above the plane through the mean curb-grades within the triangular space formed by a fifteen (15') feet setback from the intersection of the two street right-of-way lines, except for the B-1 Central Business District.

For collector and arterial streets intersecting with other collector or arterial streets or railways, the corner cut-off distances establishing the triangular vision clearance space shall be increased to fifty (50') feet.
- (2) Loading Requirements. In all districts, except Business, B-1 adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right-of-way and so that all vehicles need not back onto any public right-of-way.

Size and location. Each loading space shall be not less than twelve (12') feet in width, thirty-five (35') feet in length, and have a minimum vertical clearance of fourteen (14') feet, and may occupy all or any part of any required yard.

17.31 Traffic, Loading, Parking and Access

<u>Uses</u>	<u>Square Feet of * Floor Area</u>	<u>Required Off-Street Loading Spaces</u>
School	---	1
Hospital	Under 10,000	1
	From 10,000 - 30,000	1
	For each additional 30,000 or major fraction thereof	1 Additional
Funeral Home	---	1
Office, hotel retail, service, wholesale, warehouse manufacturing, processing or repairing uses.	Under 10,000	1
	From 10,000 - 25,000	1
	From 25,001 - 40,000	2
	From 40,001 - 60,000	3
	From 60,001 - 100,000	4
	For each additional 50,000 or major fraction thereof	1 Additional

\* See 17.04 for definitions.

- (3) Parking Requirements. In all districts except B1 and in connection with every use, there shall be provided, at the time any use of building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:
- (A) Size of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for ingress and egress. In no case shall the stalls be less than nine (9') wide or eighteen (18') long.
  - (B) Location to be on the same lot as the principal use. No parking stall or driveway except in residential district shall be closer than ten (10') feet to a residential district lot line or a street line opposite a residential district.
  - (C) Surfacing. All off-street parking areas shall be hard surfaced with either hot mix or cold mix asphalt or concrete and shall be properly drained so as not to create either a hazard or nuisance on either private or public property. Any parking lot for five (5) or more vehicles shall have the aisles and spaces clearly marked. In the extraterritorial area parking lots may be excepted from these requirements if they do not contribute to sedimentation of ditches, culverts and road surfaces or is otherwise hazardous or a nuisance.
  - (D) Number of parking stalls required are shown in the following table:

<u>USE</u>	<u>MINIMUM PARKING REQUIRED *</u>
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitarium, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each Doctor
Churches, theaters, auditoriums	1 stall for each 5 seats

17.31 Traffic, Loading, Parking and Access

community centers, vocational and night schools, and other places of public assembly.

Colleges, secondary and elementary schools 1 stall for each 2 employees plus  
years of age or more 1 stall for each 10 students of 16

Commercial, retail, restaurants, bars, places of entertainment, stores. 1 stall for each 200 square feet of building area accessible to the public.

Manufacturing and processing plants, laboratories, and warehouses 1 stall for each 2 employees

Financial institutions, business, government and professional offices 1 stall for each 300 square feet of floor area

Funeral homes 1 stall for each 4 seats

Bowling alleys 5 stalls for each alley

\* See 17.04 definitions.

- (E) Uses not listed. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply.
  - (F) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
  - (G) Any lighting used to illuminate an off-street parking area shall be arranged to reflect the light away from adjoining premises in any residential district and streets.
  - (H) During a site plan review, parking waiver reductions shall be reviewed by the Plan Commission as follows:
    - 1. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; or
    - 2. That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand; or
    - 3. That the applicant can provide evidence that the minimum parking required is excessive for the proposed business.
    - 4. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.
    - 5. Adjacent or nearby properties will not be adversely affected.
- (4) Driveways. All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements.
- (A) Driveways for one and two family dwellings shall be a minimum of ten (10') feet wide and a maximum of twenty-four (24') feet wide.
  - (B) Driveways for Commercial uses shall not exceed thirty-five (35') feet in width.
  - (C) Driveways for Industrial uses shall not exceed thirty-five (35') feet in width.
  - (D) Islands between driveway openings shall be provided with a minimum of twelve (12') feet between all driveways and six (6') feet at all lot lines.
  - (E) All driveways shall be hard surfaced with either hot mix or cold mix asphalt or concrete and shall be properly drained so as not to create either a hazard or nuisance on either private or public property. In the Extraterritorial Area driveways may be excepted from these requirements if they do not contribute to sedimentation of ditches, culverts and road surfaces or is otherwise hazardous or a nuisance.

**17.32 REEDSBURG BUSINESS CENTER -- I-4 ZONING DISTRICT** *(Recreatead 9-12-05)*

- (1) Purpose. These regulations are intended to facilitate a contemporary, professional, and office-like setting within the Business Center. In addition to office uses, the City encourages research, product development, and associated retail development, thereby providing a desirable location for those business types which are harmonious with and do not constitute a hazard or a nuisance to surrounding communities and lands. These regulations are further intended to insure that the architectural designs of both buildings and sites are consistent with the standards necessary to maintain a quality mixed-use Business Center that is attractive to all tenants and owners.
- (2) Permitted Uses. No parcel in the Business Center may be built upon, altered or occupied for any purpose or use unless said purpose or use has been referred to the Reedsburg Industrial Development Commission (RIDC) and Zoning Administrator. The kinds of uses deemed appropriate by the City are set forth below and are for illustrative purposes only.
  - (A) Business and Professional Offices
  - (B) Computer, Research and Development Facilities
    1. telecommunications
    2. telemarketing
    3. educational and scientific research
    4. laboratories, research and testing
    5. utilities
    6. product development
  - (C) Light Manufacturing Activities
    1. assembly
    2. food products
    3. pharmaceuticals
    4. computers and communications equipment
    5. warehousing incidental to the primary use
  - (D) Other uses expressly stated herein provided that any such use is closely related to those included in these regulations and provided further that the Reedsburg Plan Commission approves the use conditionally or otherwise.
  - (E) Retail sales are permitted if such sales are incidental to a permitted use.
- (3) Prohibited Uses.
  - (A) The following uses are prohibited within the Business Center: businesses or industries which, on the basis of actual physical and operational characteristics, would be detrimental to the surrounding area by reason of smoke, noise, dust, odor, traffic, physical appearance, or similar factors relating to the public health, welfare and safety or Business Center aesthetics and environment.
  - (B) For illustrative purposes only, the kinds of uses deemed inappropriate are set forth below:
    1. heavy manufacturing
    2. warehousing that is not incidental to the primary use.
- (4) Parcel Size. Parcels in the Business Center shall be one acre or more.
- (5) Performance Standards. The following minimum standards shall apply to all developments proposed within the Business Center.
- (6) Definitions. Unless the context otherwise specifies or requires, each term defined herein shall, for all purposes of this Section 17.32, have the meaning herein respectively specified.
  - (A) “Developed Site” shall mean a site upon which permanent buildings necessary for the actual operation of an industrial or commercial enterprise have been completed.

17.32 Reedsburg Business Cener – I-4 Zoning District

- (B) “Business Center” shall mean the real property known as the Reedsburg Business Center described herein and depicted on Exhibit “1” attached hereto.
  - (C) “Improvements” shall mean buildings, outbuildings, underground installations, slope alterations, roads, driveways, Parking areas, fences, screening walls and barriers, retaining walls, stairs, decks, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas and all other structures or landscaping improvements of every type and kind.
  - (D) “Industrial Development Commission” is the Reedsburg Industrial Development Commission a.k.a. “RIDC.”
  - (E) “Property” shall mean the parcels of land within the Business Center.
  - (F) “Site” shall mean all contiguous land in the Business Center under one common ownership, which has been, will or can ultimately be developed by an owner, with a building or buildings and appurtenant structures.
- (7) General Restrictions.
- (A) Designation of Sites. Each site shall be created through the preparation and recording of an appropriate Certified Survey Map or Business Center Subdivision Plat.
  - (B) Land/Building Ratio. No more than 65% of any site shall be covered surface pavement, buildings or other covering materials that are impervious to surface water absorption.
  - (C) Building Setbacks. The following yard or building setback requirements shall apply to all parcels that are located in the Business Center.

Summary	
Front Yard	25 feet
Side Yard (interior of Business Center)	20 feet
Rear Yard	25 feet
Yard abutting residential property	40 feet

1. All loading docks shall have a setback minimum of sixty (60) feet from parcel lines abutting any public street.
  2. All buildings shall have a setback minimum of twenty (20) feet from any parcel line shared in common with another parcel owner within the Property or adjoining properties. Corner lots maybe exempted from some setback requirements provided that loading and maneuvering areas are screened from public view by careful building orientation and landscaping. An adequate vision triangle must be maintained at all street intersections and driveway entrances.
  3. All buildings shall have a setback minimum of twenty-five (25) feet from the rear lot line.
  4. All buildings that are located on parcels that abut a residential district shall have a forty (40) foot “buffer zone” setback minimum.
- (D) Building Materials:
1. The exterior walls of each building shall be constructed of durable, permanent architectural materials that are compatible with park-like standards established by the existing buildings, detention ponds, decorative lighting and other landscape features.
  2. At least fifty percent (50%) of the front facade and street side(s) facades shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood and/or glass into their design. Front facade materials shall be continued for not less than twenty (20) feet on each side from the front surface. Un-faced concrete block, structural concrete and the like shall not be permitted without the prior written approval of the Industrial Development Commission. All buildings shall be sited on the lot to present their desirable face to the street and, where

- possible, should be related to buildings on adjoining lots.
3. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for commercial and industrial buildings subject to the approval of the City. Buildings must be kept in good repair and appearance at all times. Buildings must be approved construction in conformity with all applicable building codes. Buildings shall not exceed 60 feet in height and otherwise comply with height restrictions of the airport zoning code.
- (E) Building Massing: Breaking up large building sections with such elements as variable planes, projections, setbacks or changes in the roof line are encouraged.
  - (F) Building Elevations: All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing and overall design concept of the building.
  - (G) Building Color: Building colors shall be earth-toned in appearance. Complimentary colors, textures and materials are encouraged. All exterior colors shall be subject to approval of the Industrial Development Commission.
  - (H) HVAC Units and Miscellaneous Equipment: Cooling towers, rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from view from the primary public street.
  - (I) Parking: All employee and visitor parking shall be provided on-site. Parking shall not be permitted on any public street or access drive. Property owners shall provide parking as required by the City's Zoning Ordinance. Parking areas shall be located at least ten (10) feet from any parcel line. All Parking areas and driveways shall be hard surface paved, dust-free and properly marked. When curbs are desired, they shall be of concrete.
  - (J) Landscaping:
    1. The setback area abutting streets shall be landscaped with a combination of deciduous canopy trees, shrubbery and ground cover. At least one tree at least six (6) feet in height for each fifty (50) feet of street frontage shall be planted in the setback area. Any "buffer zone", shall be a minimum of forty (40) feet wide and planted with plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective screen for the abutting residential properties. All off-street parking areas that serve twenty (20) vehicles or more shall be provided with landscape areas totaling not less than five (5) percent of the surfaced area.
    2. All landscaping shall be completed within ninety (90) days of issuance of a certificate of occupancy of allowing occupation and use of such property by Building Inspector. If the certificate of occupancy is issued after October 1st of any given year, the Owner's or Lessee's landscaping completion date shall be ninety (90) days beginning April 1st of the following year (July 1).
    3. All grass, trees and shrubbery shall be kept in good appearance at all times.
  - (K) Lighting: Vehicular lighting shall be illuminated using high cutoff luminaries which keep off-site overspill and night sky lighting to a minimum. The size and scale of light and illuminate should match site and building scale, color and theme. Location of the fixtures should match site and building scale, color and theme. Location of the fixtures should emphasize intersections and pedestrians access routes, yet provide a uniform level of illumination. Scale of fixtures should be lowered in pedestrian areas to emphasize walking surfaces. All outdoor lighting or nonresidential uses shall be designed, located and mounted so that the maximum illumination, as measured horizontally at the lot line, does not exceed 9.6 foot candles.
  - (L) Accessory Structures: Accessory structures are permitted with the approval of the Industrial Development Commission. Such structures shall be setback from front building line and otherwise meet the same setback requirements as the primary structure.

Building materials, colors and roof lines shall be consistent with primary building.

- (M) Signs: All signs shall be constructed in accordance with the City of Reedsburg Zoning ordinance. In addition to the requirements contained therein, the following requirements shall also apply:
  - 1. All identity sign age not attached to the building shall be setback a minimum of 15 feet from the property line. Signs shall be incorporated into the landscape plan. Sign material shall be compatible with the building and landscaping, wooden signs are prohibited. Maximum overall height shall not exceed five (5) feet or a size of fifty (50) square feet in area. All signs shall be presented to the Commission for approval.
  - 2. All identity signage attached to the building shall be incorporated into the building architecture and shall be presented for approval with the architectural plans. Signs may not exceed ten (10%) percent of the square feet contained in the wall to which they are affixed. In addition, signs may not extend above the roof parapet line or project more than 18 inches from the face of the building.
  - 3. Traffic control and directional signage within individual lot developments shall be consistent with the identity signage and submitted for approval with the landscape design.
  - 4. Flashing signs and scrolling electronic reader board signs are expressly prohibited.
- (N) Temporary Buildings: No building or structure of temporary character shall be used on any lot at any time except for construction trailers during the period of construction. The use of cargo containers as a temporary storage facility is prohibited.
- (O) Fencing: Fences shall not be allowed, except for screening of service areas, without the prior written consent of the City except as described below.
- (P) Storage and Loading Areas:
  - 1. No loading doors or docks shall be constructed facing on any public street or highway; provided, however, this restriction may be modified or waived in writing by the City where appropriate.
  - 2. Outdoor storage yards for materials, supplies, merchandise, garbage demisters or equipment shall be screened from public view behind a visual barrier for the purpose of screening it from view from neighboring property and public streets within the Business Center. Storage of finished manufactured goods scheduled for delivery is permitted if the storage area is screened from public view and upon approval by the City where appropriate.
  - 3. Limited outdoor storage of finished manufactured goods for the purpose of sales or promotion display is permitted upon the approval of the City.
  - 4. Outdoor storage areas and loading areas shall be hard surface paved and dust free.
- (Q) Nuisances; Pollution: No Owner or Lessee of property in the Business Center shall create or allow to exist a nuisance, as defined by Wisconsin Statutes now in effect or as amended, on the property within the Business Center. In addition no rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any site and no odor(s) shall be permitted so as to render any site or portion thereof unsanitary, unsightly or offensive. In addition no use or operation shall be conducted in the Business Center that is noxious, harmful to public health, or unsightly or detrimental to others.
- (R) Property Use: The property and/or improvements as otherwise provided in this Declaration may be used for any use permitted under the applicable zoning regulations of the City as the same now exist or as the same may be hereafter be amended.
- (S) Property Maintenance: All real property in the Business Center, whether occupied or unoccupied, and any buildings or other improvements placed thereon, shall at all times be maintained in such a manner as to prevent their becoming unsightly by reason of unattractive growth or the accumulation of rubbish, or debris thereon, or unsightly condition of the improvements thereon. No building or improvement in the Business Center shall be permitted by its Owner or Lessee to fall into disrepair, and each such

building and improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished. If in the opinion of the City, proper maintenance is not being undertaken, the City, any time after thirty (30) days of written notification to the Owner, may contract for the completion of such maintenance work. The City shall have the right to bill the Owner for such costs plus ten percent (10%) for administration.

- (T) Drainage Control: No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility. The City may, in its discretion, require on-site detention or sedimentation.
  - (U) Outdoor Storage: All materials or products stored outside buildings must be behind the building setback line from the street and must be screened from view from the street with solid fencing or screening approved by the City. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fence shall be six feet. The fence must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose.
  - (V) Waste Incineration: No waste material shall be burned on the premises except in an incinerator designed and constructed for such purpose.
  - (W) Utility Control: All utilities, including all electric power, telephone, gas, water, storm and sanitary sewers shall be located underground.
- (8) Regulations of Improvements:
- (A) Commission Review: All City approval's referenced herein shall first be submitted to the Industrial Development Commission for it's written approval.
  - (B) Approval of Plans: No improvements shall be constructed, erected, placed, altered, maintained or permitted to remain in the Business Center until final plans and specifications showing the plot layout including all parking areas, all exterior elevations with materials and colors therefore, and landscaping shall have been submitted to and approved by the City. Such final plans and specifications shall be submitted in writing in duplicate over the authorized signature of the Owner or Lessee of the particular part of the Business Center or his/her authorized agent. Changes in approved plans, which affect building size, placement or external appearance must be submitted to and are subject to approval by the City.
  - (C) Timing: The City shall approve or disapprove plans, specifications and details in writing, within thirty (30) days from the receipt thereof. If the City fails either to post a letter of notification, either approving or disapproving final plans and specifications within the thirty (30) day period, it shall be conclusively presumed that the City has disapproved said plans and specifications. One set of said plans and specifications shall, with the approval or disapproval endorsed thereon, be returned to the person submitting them and the remaining set shall be retained by the City for the City's permanent files. Approval may be subject to specific conditions or modifications. Plan approvals will be provided to the Building Inspector by the Commission.
  - (D) Variances and Regulatory Flexibility: The Industrial Development Commission is authorized to allow exceptions from any provision of the standards where such exceptions will assist in carrying out the intent and spirit of this code. Owners and Lessees may seek a formal variance to the code where strict application of the provision would result in a particular hardship to the person seeking the variance.
  - (E) Liability: Neither the City nor the City's assignees or successors as hereinafter provided, shall be liable for any damage, loss or prejudice suffered or claimed by any Owner, Lessee, or by any such Owner's architect, engineer or contractor, who submits such plan for approval.

- (9) Protection of Property Interests:
- (A) Division of Parcels: No platted parcel located within the Business Center shall be further divided into parcels smaller than one (1) acre without the prior written approval of the City. In no instance shall such division create a parcel which is not developable in compliance with this Ordinance or which would violate any applicable state or local laws, ordinances or regulations regulating the subdivision of lands.
  - (B) Cooperation for Easements: All owners and occupants or parcels within the Business Center shall cooperate with the City and other owners and occupants of lots within the Business Center in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, communications, sewer, water, access roads, railway spurs, drainage, and loading tracks to the extent that such easements do not interfere with existing uses of the land or unduly restrict future intended uses. Nothing contained in this section shall be deemed to require the owner to grant any specific easement, nor grant easements or rights-of-way, without reasonable compensation therefore.
  - (C) Ordinance Applies: If any of the City's other ordinances and land use restrictions differ from those set forth in this Section 17.32, then compliance with the more restrictive provisions shall be required.

### **17.33 INDUSTRIAL PARK**

- (1) The intent of the Industrial Park code is to apply additional conditions on development within the Park that will create and/or preserve a “park-like” environment.
- (2) No building permit shall be issued for the erection, expansion, placement or alteration of any building or improvement within the industrial park until the plans for such building or improvement, including site plans, paving and parking plans, landscape plans, and first-floor elevations have been approved by the City of Reedsburg Industrial Commission. The developer or his agent shall submit two (2) complete sets of the plans to the City Clerk. The Industrial Commission shall review such plans with respect to harmony of external design and land use as it affects property within and adjacent to the Industrial Park. The Commission shall affix its mark of approval or disapproval to the plan and return one (1) set to the developer. Approval by the Commission shall not relieve the developer of any responsibility to adhere to other applicable regulations of the City or other governmental agencies. Failure of the Commission to act upon such building or improvement plans within thirty (30) days after submission to the City Clerk shall constitute the Commission’s approval of such plans.
- (3) No building shall be either so similar or so at variance with its neighbor buildings, that its appearance shall constitute a depreciation to the neighborhood.
- (4) The front of all buildings and the sides of those buildings facing site streets on corner lots shall be faced with decorative masonry, stone, or finished in a similar architecturally attractive manner approved by the Industrial Commission. The sides and rear of all buildings may be any material compatible with the construction of the remainder of the building and the building’s intended use. Where concrete block masonry is used, it shall be tinted, stained or painted with two (2) coats of paint. All faces of all buildings must be kept in good repair and appearance at all times.
- (5) Trucks or semi-trailers shall not be parked or stored within the front or side set-back areas, except that loading docks may be permitted when approved by the Reedsburg Industrial Commission. Trucks or trailers parked at loading docks shall not block or project into any public street.
- (6) The 25 foot set-back from the street property lines to the building lines shall be entirely graded and landscaped with grasses, sod, trees, bushes, shrubs, in any manner that will provide an acceptable lawn, except only such areas as may be required for driveways, visitor parking, or

### 17.33 Industrial Park

walks. All such areas shall be watered in dry weather and kept in good appearance at all times. All grass shall be cut when necessary. The owner shall control weed growth and keep weeds cut as necessary.

- (7) Junk or abandoned equipment shall not be allowed to accumulate. No rubbish may be burned on the premises except in an incinerator specially constructed, designed, and approved for the purpose.
- (8) Private wells are not permitted unless expressly granted by the Board of Public Works. All wastewaters shall be discharged in the municipal sewer system subject to any pretreatment of industrial waste required by the City of Reedsburg.
- (9) Cooling water that is not recycled shall be discharged only to municipal storm water facilities; cooling water ponds are not allowed.

### **17.34 RESERVE FOR FUTURE USE** *(Repealed 02-23-09)*

### **17.35 EXTENT OF ENCLOSURE**

- (1) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community and maintain a desirable aesthetic appearance within the community by regulating and restricting the use of property and the storage of equipment and materials as they relate to enclosure. For purposes of this section, enclosure may apply to screening and/or security fencing. All enclosures shall meet the requirements of Section 17.24.
- (2) Residential Districts. Outside storage of items accessory to the principle permitted use, which do not constitute junk, and are maintained in a clean orderly manner are permitted. For purposes of this section, woodpiles are considered accessory to a residential use in a R1 and R2 District. All outside storage shall be done in such a manner as to be compatible with the neighborhood and not be a nuisance. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code and shall not create a nuisance. In addition, the outside storage or parking of recreational vehicles, trailers, boats and truck toppers is permitted provided they are stored or parked in the side or rear yard and under the following conditions:
  - (A) Storage is permitted on a front yard paved surface.
  - (B) Corner lots may use the front yard that does not include the property's address as a side yard.
  - (C) Overnight stays by non-paying friends or family in RVs and camping trailers are permitted for up to 14 nights in a calendar year.
- (3) Business Districts. All business, servicing or processing, except for display of merchandise and equipment for sale to the public, establishments of the drive-in type and outdoor eating of restaurants shall be conducted within enclosed buildings. Off-street parking of employee, client and business vehicles and off-street shipping and receiving shall not require enclosures. Outdoor storage of equipment and materials, when actively used in conduct of a permitted use is allowed provided the storage areas are located in the rear yard or screened from the street. Any equipment or materials meeting the definition of junk shall not be permitted to be stored outside unless completely enclosed by an opaque fence and is of such size which does not constitute a junk yard. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code. The Planning Commission may review the location and enclosure of garbage, refuse and waste and require measures to ensure public health, safety and welfare and maintain desirable aesthetic appearance.
- (4) Farm Markets and Special Retail Sales Events. Farm Market activities and special retail sales events are allowed from time to time as permitted by the City Council.
- (5) I-1 Light Industry. All industrial processing, manufacturing, warehousing and business operations shall be conducted within enclosed buildings. Off-street parking of employee, client and business vehicles and off-street shipping and receiving shall not require screening.

### 17.35 Extent of Enclosure

Outdoor storage within 100 feet of a residential district, arterial street or collector street, except for off-street parking and loading as described above, shall be screened from view from the residential district, arterial street or collector street. The Planning Commission may review and require appropriate enclosure for other outdoor storage to insure public health, safety and general welfare and to maintain desirable aesthetic appearance. Security fencing may be required if determined by the City to be necessary for public safety. Any equipment or materials meeting the definition of junk shall not be permitted to be stored outside unless completely enclosed by an opaque fence and is of such size which does not constitute a junk yard. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code and shall not create a nuisance.

- (6) I-2 Heavy Industry. All industrial processing, manufacturing, warehousing and business operations shall be conducted within enclosed buildings. Off-street parking of employee, client and business vehicles and off-street shipping and receiving shall not require screening. Outdoor storage within 100 feet of a residential district, arterial street or collector street, except for off-street parking and loading as described above, shall be screened from view from the residential district, arterial street or collector street. The Planning Commission shall review and require appropriate enclosure for other outdoor storage to insure public health, safety and general welfare and to maintain desirable aesthetic appearance. Security fencing may be required if determined by the City to be necessary for public safety. Any equipment or materials meeting the definition of junk shall not be permitted to be stored outside unless completely enclosed by an opaque fence and is of such size which does not constitute a junk yard unless a junk yard has been approved as a conditional use. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code and shall not create a nuisance.

- (7) Industrial Park. All industrial processing, manufacturing, warehousing and business operations shall be conducted within enclosed buildings.

Off-street parking of employee, client and business vehicles and off-street shipping and receiving shall not require screening. All equipment, materials or products stored outside shall be located behind the building setback line and if within 100 feet of a residential district or within view of a street shall be screened. Any equipment or materials meeting the definition of junk shall not be permitted to be stored outside unless completely enclosed by an opaque fence and is of such size which does not constitute a junk yard. Storage and handling of garbage, refuse and waste shall be in compliance with Chapter 11 of the General Code and shall not create a nuisance.

### 17.36 PERFORMANCE STANDARDS

- (1) Compliance. This Ordinance permits specific uses in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.
- (2) Sound. The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the zone in which the use is located.
- (A) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character or shrillness.
- (B) Maximum sound pressure levels shall be measured with a sound level meter and associated octave and analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying with the several frequency limits given in the following table after the application of appropriate corrections beyond the property limits.

**B Zones and I Zone**

<b>Frequency Ranges Containing Standard Octave Bands in Cycles per Second</b>	<b>Octave Band Sound Pressure Level In Decibels</b>
0 – 74	72
75 – 149	67
150 – 299	59
300 – 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,800	34
above 4,800	32

<b>Type of Operation or Noise</b>	<b>Correction in Decibels</b>
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum. screech)	-5

- (3) **Vibration.** There shall be no operation or activity which would cause ground transmitted vibrations at such a level as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- (4) **Radioactivity.** No operation shall be permitted which causes radioactivity in violation Title 10, Chapter 1, Part 20, Code of Federal Regulations, “Standards for Protection Against Radiation”, dated June 16, 1957, or any subsequent revisions or amendments.
- (5) **Odor.** There shall be no operation or activity that would emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises.
- (6) **Toxic Or Noxious Matter.** No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business shall be permitted.
- (7) **Glare.** There shall be no operation or activity that produces glare of direct illumination across a property line of an intensity as to be detrimental to or endanger the public health, safety, comfort or welfare of the public, or that creates a nuisance or detracts from the use or enjoyment of adjacent property.  
Outside lights must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across a property line.
- (8) **Heat.** There shall be no operation or activity that would cause heat at such a level as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- (9) **Air Contaminants.** There shall be no operation or activity which would emit smoke, soot, flash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, toxic substance, waste, or particulate, solid, liquid or gaseous matter into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that would be in violation of current State regulations or would interfere with the safe and comfortable enjoyment of life in adjacent properties.

### 17.37 HEIGHT OF STRUCTURES AND TREES IN THE VICINITY OF THE REEDSBURG AIRPORT REGULATED

- (1) Definitions.
  - (A) Airport means the Reedsburg Airport located in the City of Reedsburg, Sauk County, Wisconsin.
  - (B) Airport hazard means any structure or object of natural growth which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
  - (C) Non-conforming use means any structure or tree that does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
  - (D) Person means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
  - (E) Structure means any object constructed or installed by man.
  - (F) Trees do not include shrubs, bushes or plants that do not grow to a height of more than twenty feet.
  - (G) Runway means a level portion of an airport having a surface specifically developed and maintained for the landing and take-off of aircraft.
  - (H) Height means the overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.
- (2) Zones. All zones established by this section area as shown on the following maps that is attached hereto and adopted as part of this ordinance: "Height Limitation Zoning Map, Reedsburg Municipal Airport, Reedsburg, Wisconsin" dated 5-16-07, and prepared by the Wisconsin Bureau of Aeronautics. (Sheet 1 of 1).
- (3) Height Limitation Zones. Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in Section 17.37(2) hereof.
- (4) Use Restrictions. Exceptions. The restrictions contained in Section 17.37(3) shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary or to structures less than fifty (50) feet in height above ground within the area beginning one-half mile from the airport boundary and extending to three miles from the airport boundary.
- (5) Non-Conforming Uses.
  - (A) Not Retroactive. The regulations prescribed in Sections 17.37(2) and (3) of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section 17.37(7)(B).
  - (B) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.
  - (C) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or use of eminent domain.
- (6) Administration. It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to Zoning Administrator upon a form furnished by him. Applications for action by the Board of Appeals shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision following a review by the Airport Commission. (Rev. 01-25-10)
- (7) Permits.

## 17.38 Signs

- (A) **Future Uses.** No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section (2) of this ordinance until the owner or his agent shall have applied in writing for a permit thereof and obtained such permit from the Zoning Administrator. Said permit shall be posted in a prominent place in the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for. The City shall have the right to trim, prune or remove at owner's expense any tree which was planted after adoption of this ordinance and found to be in violation of the height restriction for the zone in which it is located. Permits shall not be required for:
1. structures less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary
  2. structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to three miles from the airport boundary and
  3. structures within the building limits set forth in the maps referenced in Section 17.37(2) as long as documentation satisfactory to the Zoning Administrator is provided which demonstrates that the structure shall not exceed the final elevations authorized by those maps.
- (B) **Existing Uses.** Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph a. authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made. This section shall not apply to any utility poles now owned or hereafter constructed by the City of Reedsburg Utility as long as those poles are replaced or repaired so as to be no higher than originally constructed or subsequently permitted.
- (8) **Board Of Appeals, Appeals And Review.** All appeals shall be handled as provided by Section 17.07 of this ordinance.
- (9) **Penalties.** Penalties shall be assessed as provided by Chapter 27 of the City of Reedsburg ordinances.

## 17.38 SIGNS

- (1) **Purpose.** The purpose of this ordinance is to create the legal framework for a comprehensive and balanced system of signage. This ordinance will preserve the right of free speech and expression, provide easy communication between people and their environment, and avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the ordinance's intent to authorize the use of signs that are:
- Able to preserve the right of free speech and expression.
  - Compatible with its surroundings.
  - Appropriate for its activity.
  - Legible in the circumstances in which they are seen.
  - Unlikely to distract drivers to a dangerous degree.
- (2) **Sign Definitions.**
- Banner.** Any sign of lightweight fabric or similar material that is mounted to a pole,

building, or other structure. National, state, and municipal flags are not included.

Banner. A sign composed on a lightweight or fabric material that may be secured or mounted on a building or pole(s).

Canopy Sign. Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding marquees.

Electronic Signs:

Multiple Message Sign. A sign whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.

Variable Message Sign. A sign without moving parts whose message is changed by electronic process through the use of moving or intermittent light or lights.

Flag. A usually rectangular piece of fabric of distinctive design, attachable by one edge to a pole or rope.

Ground Sign. Any sign supported by structures or supports that ~~are~~ is intended to be permanently placed on, or anchored in, the ground and that ~~are~~ is independent from any building or other structure.

Government Sign. A public sign for control of traffic and other regulatory purposes, danger or caution, public wayfinding, railroad crossings, and public utilities.

Marquee Sign. A permanent roof-like structure projecting over an entrance.

Non-conforming Sign. Any sign lawfully in existence that does not conform to the requirements of this ordinance.

Off-premise Sign. Any sign advertising goods, products, or services not located or sold on the premises on which the sign is located.

Plaque. A sign which is intended to be permanent and is cut into a masonry surface, inlaid so as to be part of a building, or as an inscribed tablet usually made of metal or other noncombustible material.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported such as those transported by means of wheels, excluding such vehicles used in the day-to-day operations of the business. A portable sign may have changeable lettering or electronic copy.

Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

Roof Sign. Any sign located wholly on and over the roof structure.

Sign. Any structure that has a display visible from a public right-of-way and designed to identify, announce, direct, or inform.

Sign Height. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the existing grade prior to construction or the newly established grade after construction, not including any filling or mounding solely for the purpose of locating the sign.

Temporary Sign. Any sign that is used temporarily and not permanently mounted.

Wall Sign. Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Yard Sign. A freestanding ground sign that is intended for temporary use that is located in a yard as defined in 17.04.

- (3) Permit/Application. No sign shall hereafter be altered, located, erected, moved, reconstructed, extended, enlarged, or structurally altered without a permit except as provided herein. A permit may be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis by the Zoning Administrator to meet the spirit and intent of this Ordinance.
- (4) Application for Permit. Application for permit shall be made in writing to the Zoning Administrator and shall contain the following information:
  - (A) Name, address and telephone number of applicant.
  - (B) Location of building, structure, or land to which or upon which the sign is to be erected.
  - (C) A sketch, drawing or other blueprint showing a description of the construction details of the sign, position of lighting or other extraneous devices, a location plan showing the position of the sign on any building or land, and its position in relation to nearby buildings or structures and to any private or public street or highway.
  - (D) Written consent of the owner of the building, structure or land which or on which the sign is to be erected, in the event the applicant is not the owner thereof.
  - (E) A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.
  - (F) Fees for permit are set forth in Chapter 32.
- (5) Issuance of Permit. It shall be the duty of the Zoning Administrator, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to the Zoning Administrator with the application. If it shall appear that the proposed sign is in compliance with all the requirements of this local law and other laws and ordinances of the City of Reedsburg, the Zoning Administrator shall then issue a permit for the erection of the proposed sign or forward to the Plan Commission as required. If the sign authorized under any such permit has not been completed within six months from the date of the issuance of such permit, the permit shall become null and void.
- (6) Revocation of Permit. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of the local law. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
- (7) Violation. In the event of a violation of any of the foregoing provisions, the Zoning Administrator shall give written or personal notice to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit. The notice shall specify the violation and direct the sign and/or landowner to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event such sign shall not be so conformed within 30 days, the Zoning Administrator shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land.
- (8) Signs Not Requiring a Permit. The following signs may be located without a permit being issued unless otherwise required.
  - (A) Banners are permitted in Business, Government/Institutional and Industrial zones subject to the following:
    - 1. Size is limited to 32 square feet per banner.
    - 2. A maximum of three banners per on-premise business.

## 17.38 Signs

3. Additional banners attached to light poles, such as in parking lots, are limited to one (1) per onsite light pole.
- (B) Directional and instructional signs intended for on-site traffic control and safety which do not exceed eight square feet each in area.
- (C) Interior Signs located within the interior of any building or structure, which are not visible from the public right-of-way. This does not however, exempt such signs from the structural, electrical, or material specifications of this ordinance.
- (D) Flags in any zoning district.
- (E) Government signs in any zoning district or right-of-way.
- (F) Plaques in any zoning district.
- (G) Portable Reader Board Signs in B-1 and B-2 Business zones, one (1) per parcel, and maximum 32 square feet in size.
- (H) Temporary Window Signs shall not be placed on door windows or other windows which would negatively affect pedestrian safety.
- (I) Temporary Signs.
  1. Temporary Signs in “B-1” Commercial District. Temporary signs not exceeding 12 square feet per face and having only two faces may be placed upon the sidewalk in front of the associated business provided that the sign does not obstruct pedestrian traffic and that the sign is removed during non-business hours.
  2. Temporary Signs Over a Right-of-Way. Temporary signs that span a public right-of-way and are controlled by the City of Reedsburg.
  3. Temporary Signs In the Downtown Right-of-Way. Temporary banners that are attached to public light posts on Main Street from Granite Avenue to Locust Street and are controlled and approved by the City of Reedsburg.
  4. Temporary ground or wall signs that comply with the standards of Wis. Stats. 12.04 provided that such signs are not located in the 15-foot vision triangle at a street intersection corner nor over or in the public right-of-way.
- (J) Vehicle Signs. Signs painted on or attached to a body of a truck, bus, trailer, or other vehicle while operating in normal course of business.
- (K) Yard signs are subject to the following:
  1. A total of 32 square feet for all yard signs in Business and Industrial districts.
  2. A total of six (6) square feet for all yard signs in other districts.
- (9) Signage in the Residential Districts.
  - (A) One ground sign and one wall sign for public, charitable or religious institutions not to exceed a combined total of 32 square feet in area.
  - (B) One unlighted ground or wall sign, not to exceed two square feet in area, shall be permissible on a residential property that contains a conditional use-approved onsite home business.
  - (C) Ground or wall signs in R-3 districts shall not exceed 20 square feet.
- (10) Signage in the Business and Industrial Districts
  - (A) Except as provided herein, one ground sign is permitted for an Industrial Park or shopping center, mall or office complex. The area of this sign shall not exceed 150 square feet. If a shopping center has frontage on more than one street, a second ground sign may be permitted for a maximum 100 square feet. Wall signs in shopping centers shall not be more than 200 square feet per business.
  - (B) Except as provided herein, ground signs on outlots may not be larger than 32 square feet. Wall signs on outlots shall not exceed 200 square feet per business.

(11) Electronic Signs

- (A) Electronic signs are permitted in the B-2 district or otherwise as approved by the Plan Commission subject to the following:
  - 1. Notice shall be given to parties of interest.
  - 2. The proposed electronic sign shall not create a substantially negative impact on other properties in the area.
- (B) Electronic signs, or that portion of the overall sign, shall be a maximum 35 square feet or less, as permitted in this ordinance per zoning district; signs with an electronic component of just time and temperature are exempt from section 17.38(13).
- (C) The spacing between electronic signs shall be a minimum 100 feet.
- (D) Electronic signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device; or obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- (E) No message may be displayed for less than ½ of a second.
- (F) No message may be repeated at intervals of less than 2 seconds.
- (G) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
- (H) The louver rotation time to change a message shall be one second or less and the time a message remains in a fixed position shall be 6 seconds or more.
- (I) No variable message sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.
- (J) Electronic signs may be used to advertise activities conducted on the property on which the signs are located, to promote on- or off-premise fund drives or events of civic, philanthropic, educational or religious organizations, or to present public service information.

(12) Illumination

- (A) Internally or externally illuminated signs shall be located as to prevent the light from being cast directly onto adjacent properties.
- (B) Signs that contain, include or are illuminated by any flashing, intermittent or moving light or lights which create a hazard to vehicle or pedestrian traffic are prohibited.
- (C) External lighting shall be shielded and directed downward so as not to impair traffic or become a nuisance to adjacent properties.

(13) Existing / Non-conforming Signs

- (A) No sign presently erected which is altered, damaged, or destroyed beyond 50% of its replacement cost, shall be reconstructed, rebuilt, or relocated unless it complies with all requirements of this ordinance.
- (B) The only alterations allowed of non-conforming signs are minor repairs and maintenance to keep it structurally safe and sound assuming the costs do not exceed 50% of the sign's replacement cost.
- (C) Any sign that is moved to a new location either on the same or different parcel shall be considered a new sign and must meet the requirements of this ordinance.

(14) Maintenance

- (A) The owner of any sign shall keep it in good maintenance and repair.
- (B) If the owner of such sign or the owner of the premises on which such sign is shall fail to comply with the orders of the Zoning Administrator relative to the painting, repair, alteration, maintenance or removal of said sign pursuant to written notice thereof and

17.38 Signs

within 14 days after the notice to said owner.

- (C) The costs of such removal of said sign shall be assessed to the owner of the property upon which said sign is erected and shall be certified in the proper manner to have them levied as special charges against such property, and proper officers of the City are authorized and directed to enter such charges on to the tax roll.

(15) Prohibited Signs

- (A) Off premises advertising by billboards, sign boards, reader boards and other advertising signs, signals and displays or devices except as may be otherwise specifically provided for in this Section 17.38 of the Code.
- (B) Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices in order to help protect traffic control and safety.
- (C) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices in order to help protect traffic control and safety.
- (D) No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (E) Swinging signs that are constructed to not withstand wind pressures.

- (16) Conflicts with other provisions. It is the intention of this ordinance to create individual restrictions for non-commercial speech whether on or off premises. Non-commercial speech is intended to be favored over commercial speech. No preference to types of non-commercial speech is intended. To the extent that this ordinance or future amendments to the ordinance create such a conflict, the ordinance is to be interpreted such that it will be in conformance with the subsection.

(17) Overall Sign Standards, except as provided herein:

<b>P – Allowed with Sign Permit</b>												
<b>N – Not allowed</b>												
	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	I-3	I-4	A	C/RC
Ground Signs	*	*	*	P	P	P	P	P	P	P	P	P
<b>Other Signs</b>												
Canopy	N	N	P	P	P	P	P	P	P	N	P	P
Marquee	N	N	N	P	P	N	N	N	N	N	N	N
Projecting	N	N	P	P	P	P	P	P	P	P	P	P
Roof	N	N	N	P	P	N	P	P	P	N	N	N
Wall	*	*	*	P	P	P	P	P	P	P	P	P
Electronic	N	N	N	P	P	N	P	P	N	N	N	N

17.39 Wellhead Protection

Ground Signs – 1 per premise as permitted										
	R-1	R-2	R-3	B-3	I-1	I-2	I-3	I-4	A	C/RC
Sign Area (sq. ft.)	*	*	*	20	100	100	100	50	20	20
Height (ft.)	6	6	6	6	20	20	20	5	6	6
Front Setback (ft.)	2	2	2	2	2	2	2	15	2	2
Side Setback (ft.)	8	8	8	5	5	5	5	15	10	10

\*See section 17.38(9)

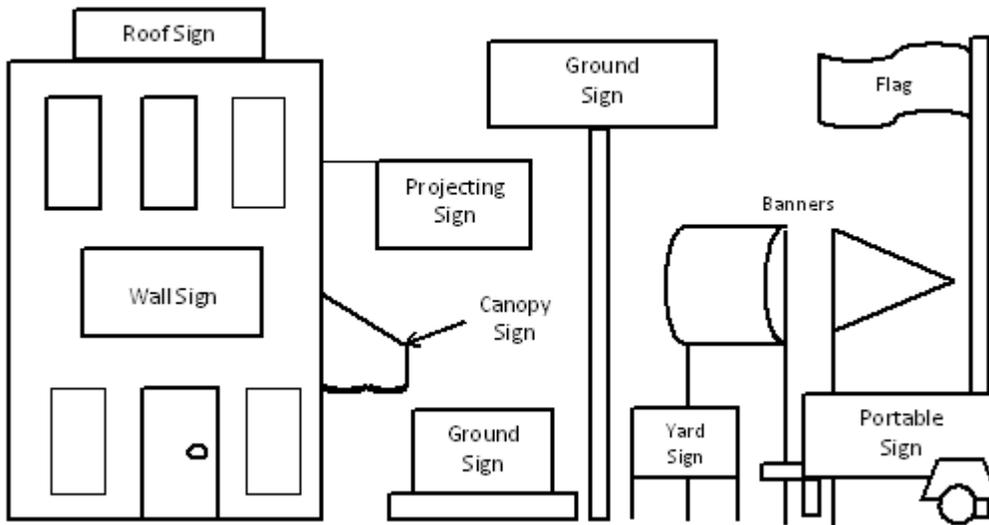
Ground Signs- B-1, B-2				
LANES / SPEED	SIGN AREA (SQ. FT)	HEIGHT (FT)	FRONT SETBACK	SIDE SETBACK
2 / 0-34	35	12	2	5
2-3 / 35+*	35	20	2	5
4-5 / 0-34	35	12	2	5
4-5 / 0-34, B-2 Zone only*	50	20	2	5
4-5 / 35-44*	50	20	2	5
4-5 / 45+*	100	25	2	5

To encourage higher quality of design and increased effectiveness of graphics, the City seeks to reward this effort through an increase of sign face area following a review by the Plan Commission. For those zones marked (\*), sign area may increase by up to 50% if constructed of natural or decorative materials such as wood, logs, stone, brick, etc. or a synthetic material that matches such appearance; has a front setback at least 5 feet; and has a height of 15 feet or less.

(18) Building Sign Standards

Building Signs (Parcels may include signs from the following categories, as permitted, up to 200 sq. ft. total; 100 sq. ft. in B-3.)		
	Standards	Maximum Sign Area
Canopy	1 per business; Minimum: 30" from curb lines, 7' above a sidewalk & 15' above a driveway or alley	200 sq. ft.; B-3- 100 sq. ft.
Marquee	1 per business; Minimum: 3' side setbacks, 30" from curb lines, 10' above a sidewalk & 15' above a driveway or alley	100 sq. ft.
Projecting	1 per business; project up to 6' into public ROW; Minimum: 5' side setbacks, 30" from curb lines, 10' above a sidewalk & 15' above a driveway or alley	100 sq. ft.
Roof	1 per business; maximum 10' above roof; meet district height requirements	200 sq. ft. total for all sides
Wall	Maximum 3 per business; maximum 12" from building's wall	200 sq. ft. total; B-3-100 sq. ft.

(19) Sign type examples.



**17.39 WELLHEAD PROTECTION** (Rev. 01-24-11)

- (1) STATEMENT OF PURPOSE.
  - (A) City residents depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply, and to promote the health, safety and general welfare of the residents of the City.
  - (B) This section, which may be cited and referred to as the City of Reedsburg Wellhead Protection Ordinance, institutes land use regulations and restrictions in the Groundwater Protection Overlay District in order to protect the portion of the recharge area for the City wells that lie within the City's limits. The recharge areas for the City wells are that land areas which contribute water to the City wells by infiltration of water into the subsurface and movement with groundwater toward the wells.
  - (C) It is further intended that the Groundwater Protection Overlay District shall be operated in conjunction with the regulations governing the underlying zoning districts and other overlay districts in the subject area. Uses permitted by such other districts, but subject to the provisions of this section, may not be undertaken unless they are also permitted by the terms of this section. In the event of conflicting standards between the underlying zoning and these groundwater regulations, the more restrictive will apply. If conditional use permits are required for both this overlay district and the underlying zoning district for a proposed use, the processing of the two permits shall be treated separately under the terms applicable to each district.
  - (D) The boundaries of the Groundwater Protection Overlay District shall be a 1,200 ft. radius around all City wells and incorporated into and shown on the City of Reedsburg Zoning Map.
- (2) DEFINITIONS. As used herein, the following words and terms have the following meanings:
  - (A) "Aquifer" means, a saturated, permeable geologic formation that contains and will yield significant quantities of water.
  - (B) "Existing Facilities Which May Cause or Threaten to Cause Environmental Pollution"

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means, existing facilities which may cause or threaten to cause environmental pollution within the limits of the City's well fields' recharge areas which include but are not limited to those sites set forth in the Contaminant Inventory Detail which was developed in conjunction with the preparation of the City's wellhead protection plan and which is adopted by reference; and, underground storage tanks which may affect groundwater.

- (C) "Groundwater Divide" means, a ridge in the water table, of the potentiometric surface, from which ground water flows away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
  - (D) "Groundwater Protection Overlay Districts" means, those lands shown on the City of Reedsburg Zoning Map
  - (E) "POWTS" means a private onsite waste water treatment system as defined at s. Comm 81, Wis. Adm. Code."
  - (F) "Recharge Area" means, an area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
  - (G) "Time of Travel" means, the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.
  - (H) "Well Field" means, a piece of land used primarily for the purpose of supplying a location for construction of wells to supply the municipal water system.
- (3) **PRINCIPAL PERMITTED USES.** Uses within the Groundwater Protection Overlay District must be permitted uses in the underlying zoning district as well as in this overlay district. The following are permitted uses within the Groundwater Protection Overlay District provided the separation distances set forth in subsection (5) are maintained.
- (A) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
  - (B) Playgrounds.
  - (C) Wildlife areas.
  - (D) Non-motorized trails, such as bike, skiing, nature and fitness trails.
  - (E) Municipally-sewered residential development, free of:
    - 1. Underground storage tanks containing flammable and combustible liquid; and
    - 2. Aboveground storage tanks larger than 20 gallons in size, containing flammable and combustible liquid other than heating oil or propane.
  - (F) Agricultural uses in accordance with the county land conservation department's best management practices guidelines.
- (4) **CONDITIONAL USES.** Although these are conditional uses, the presumption is that these uses are disfavored and that a Conditional Use Permit will not be granted unless conditions may be imposed that will ensure to a reasonable degree of certainty to the City's satisfaction that the groundwater will be protected. An application for a conditional use permit shall be processed in accordance with 17.13 of the City Zoning Code<sup>1</sup> as supplemented by the terms of this section and includes municipally sewered business development zoned Business or Industrial, except for the following uses:
- (A) Above-ground storage tanks.
  - (B) Asbestos product sales.
  - (C) Automotive service and repair garages, body shops.
  - (D) Blue printing and photocopying services.
  - (E) Car washes.
  - (F) Equipment repair services.
  - (G) Laundromats and diaper services.

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- (H) Dry cleaning.
  - (I) Gas stations.
  - (J) Holding ponds or lagoons.
  - (K) Infiltration ponds.
  - (L) Nurseries, lawn and garden supply stores.
  - (M) Small engine repair services.
  - (N) Underground storage tanks.
  - (O) Wells, private, production, injection or other.
  - (P) Any other use determined by the Utility or Plan Commissions to be similar in nature to the above listed items.
- (5) **PROHIBITED USES.** All uses not expressly identified as permitted or conditional uses are prohibited within the Groundwater Protection Overlay District. No use variances shall be granted.
- (6) **SEPARATION DISTANCES FROM WELL.** Uses shall maintain the following minimum separation distances within the Groundwater Protection Overlay District.
- (A) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints.
  - (B) Two hundred feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
  - (C) Three hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. Comm 10.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. Comm 10.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (D) Three hundred feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. Comm 10.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. Comm 10.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (E) Four hundred feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
  - (F) Six hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy;

and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. Comm 10.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. Comm 10.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (G) One thousand feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
  - (H) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of commerce or its designated Local Program Operator under s. Comm 10.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.
- (7) **CONDITIONAL USE APPLICATIONS.** Section 17.13 shall apply to all applications for conditional use permits under this section except as expressly modified by this section.
- (A) Required Application Materials.  
In addition to the application materials required under section 17.13, each application for a conditional use permit under this section shall include the following, unless waived by the Utility or Plan Commissions:
    1. A statement with supporting evidence showing that the use seeking the proposed conditional use shall conform to the standards set forth in subsection (6)c below.
    2. An operational plan and/or other documentation which describes in detail the use, activities, and structures proposed.
    3. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring as required.
    4. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
    5. An environmental risk assessment report prepared by a licensed environmental professional which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
    6. Additional information deemed necessary to determine and provide for enforcement of this section may be required.
    7. Pre-payment of the required fee.
  - (B) Referral to Utility Commission and Plan Commission.  
A properly filed application shall be referred to the Utility Commission for its review and recommendation, if any, including proposed conditions, to the Plan Commission. The Plan Commission shall review the application and make its decision following a hearing as required under section 17.13.
  - (C) Standards for Conditional Use.

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In addition to the standards for conditional uses set out in section 17.13 the Plan Commission shall apply the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may threaten or degrade groundwater quality in the City or the City's recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then existing condition of the City's groundwater public water wells and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(D) Types of Conditions Which the Plan Commissions May Require.

In addition to the conditions and restrictions set out in section 17.13, the Plan Commission may stipulate conditions and restrictions including but not limited to the following:

1. A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The City may require an application to install one or more groundwater monitoring well(s), at the expense of the applicant;
2. The establishment of safety structures to prevent groundwater contamination;
3. The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination;
4. Written policies and procedures for reporting and cleaning up any spill of a hazardous material;
5. The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the City.
6. A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination;
7. Bonds and/or securities satisfactory to the City for future monitoring and cleanup costs if groundwater contamination occurs in the future.
8. The foregoing conditions are listed for illustration purposes and are not exclusive.

(E) Payment of Costs.

The applicant shall be solely and exclusively responsible for any and all costs associated with the application. The conditional use will become effective only after any costs incurred by the City during the conditional use application review process and billed to the applicant are paid by the applicant. Those costs may include:

1. The City's expenses, including consultant's and attorney's fees, if any, associated with the review at the invoiced amount plus administrative costs.
2. The cost of an environmental impact study if so required by the City or its designee.
3. The cost of groundwater monitoring or groundwater wells if required by the City or

its designee.

4. The costs of an appraisal for the property or other property evaluation expense if required by the City or its designee.
- (8) **EXISTING NON-CONFORMING USES.** Non-conforming uses lawfully in existence within the Groundwater Protection Overlay District at the adoption of the ordinance creating this district may continue to exist in the form and scope in which they existed at that time subject to the provisions of section 17.15. In the event a lawful non-conforming use poses a direct hazard to the City's public water supply, the City may take any action permitted by law to abate the hazard.
- (9) **NO ACCEPTANCE OF LIABILITY BY CITY.** Nothing in this section shall be construed to imply that the City has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.

**17.40 EXTRATERRITORIAL ZONING DISTRICT**

- (1) **Purpose.** The extraterritorial zoning district is that area lying outside the City but within 1-½ miles of the City Limits, as shown on the map entitled “City of Reedsburg Official Extraterritorial Zoning Map”, dated December 8, 2003; the purpose of the extraterritorial district is to provide for proper zoning and control over said area and allow for the orderly growth and expansion of the City. *(Rev. 3-22-04)*
- (2) **Use.** In the extraterritorial district no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except for one of more of the following uses:
  - (A) Existing agricultural uses may continue regardless of extraterritorial zoning.
  - (B) In a Residential A or RC zoning district in the extraterritorial region, farming with stock will be allowed on 40 acres or more.
  - (C) In a Residential A or RC zoning district in the extraterritorial region, livestock and animals will be allowed on lots of the size of 1.5 acres or more with the total population of animals not to exceed one animal unit per acre. {See 17.04(4) for definition of animal unit}.
  - (D) Animal shelters, barns, corrals, feed lots, etc. shall be located more than one hundred (100’) feet from any existing non-farm residence, and greater than fifty (50’) feet from any residential lot line.
- (3) **Lot Sizes.** In the extraterritorial district the minimum area and width of lots shall be as follows:
  - (A) Lots served by public sanitary sewer shall have the minimum lot size and width as required by 17.12 Schedule 1.
  - (B) Lots not served by public sanitary sewer shall have minimum lot sizes and widths as follows:

<b>Minimum District</b>	<b>Percolation Rate</b>	<b>Minimum Lot Area</b>	<b>Lot Width</b>
R2	0-15	20,000 square feet	100
	15-30	35,000 square feet	125
	30-45	1 Acre	150
	45-60	1.25 Acre	150
R3	N/A	1-Acre minimum; for multiple family dwellings with 4 or more units. Minimum lot size shall be increased to accommodate on-site waste disposal as required by State and Local Code. Density	125

17.40 Extraterritorial Zoning District

		ratio maximum is 1 dwelling unit per 2,400 sq. ft. of lot area.	
B2	N/A	Minimum Lot size shall be large enough to accommodate on-site waste disposal as required by State and Local Code.	100
I1, I2 & I3	N/A	Minimum Lot size shall be large enough to accommodate on-site waste disposal as required by State and Local Code.	100
A	30-45	1 Acre	150
	45-60	1.25 Acre	150
C	N/A	N/A	N/A

(C) The front yard setback along a state or county trunk highway shall be 50 feet from the right-of-way line in all zones. All other setbacks shall follow the code as required by sec. 17.12, Schedules 1-5.

- (4) Building Permits. Building Permits for all construction in the extraterritorial district will be issued by the respective building inspector of the township in which the project being permitted will take place. The City Zoning Commissioner shall approve a permit as to zoning prior to the issuance of the building permit by the Township Building Inspector with the exception of non-habitable agricultural buildings that the respective Town Zoning Commissioner shall approve. Two copies of the permit application shall be submitted to the City Zoning Commissioner. One copy shall be signed as approved or not approved, as the case may be, by the City Zoning Commissioner and returned to the applicable Town Clerk or Assessor. The City shall retain one copy for its files. Permits shall only be issued by the Township Building Inspector if the project is in compliance with the zoning ordinance. The City shall collect the park fee for residential housing units in accordance with City Code sec. 3.10. *(revised 7-11-05)*
- (5) Enforcement. Enforcement of the extraterritorial zoning district shall be by the City Zoning Commissioner, the same as provided for zoning enforcement within the City with penalties or violations also the same.
- (6) Conditional Uses And Variances. The conditional use provision and variance provisions in the City Zoning Code, Sec. 17.13 shall apply to the extraterritorial district, provided that the Joint Extraterritorial Board of Appeals will be referred all applications for a variance (as opposed to the City Board of Appeals) and the Joint Territorial Commission will be referred all applications for a conditional use permit (as opposed to the City Plan Commission). *(revised 7-11-05)*
- (7) Amendment Of Districts. The Council may amend the districts and regulations after first submitting the proposed amendment to the Joint Extraterritorial Committee for their recommendation and report.
- (8) Nonconforming Uses. The nonconforming uses provision in the City Zoning Code, Sec. 17.15, shall apply to the extraterritorial zoning area. Any changes in nonconforming uses shall be subject to the nonconforming uses provision in the City zoning code, Sec. 17.15, which shall apply to the extraterritorial zoning area; provided, said matter shall be referred to the Joint Extraterritorial Committee instead of the City Plan Commission.
- (9) Board Of Appeals. The provisions relating to the Board of Appeals in the City Zoning Code, Sec. 17.07, shall apply to the extraterritorial zoning area. Except that the Joint Extraterritorial Board of Appeals shall have the power and duty to enact the provisions of 17.07.
- (10) Annexation, Effect. All territory annexed to the City from the extraterritorial zoning area shall become a part of the City, but shall continue to have the same zoning as it had in the extraterritorial zoning area unless alternative zoning is required by the Planning Commission

and approved by the Council to conform to the Comprehensive Plan.

#### **17.41 COMPREHENSIVE PLAN**

- (1) Pursuant to Wis. Stat. secs. 62.23(2) and (3), the City of Reedsburg is authorized to prepare and adopt a comprehensive plan as defined at Wis. Stat. secs. 66.1001(1)(a) and 66.1001(2).
- (2) The Common Council of the City of Reedsburg, Wisconsin, adopted written procedures designed to foster public participation in the stages of the preparation of a comprehensive plan as required by Wis. Stat. sec. 66.1001(4)(a).
- (3) The City Plan Commission of the City of Reedsburg, by a majority vote of the entire commission recorded in its official minutes, adopted a resolution recommending to Common Council the adoption of the document entitled "COMPREHENSIVE PLAN OF THE CITY OF REEDSBURG," containing all of the elements specified in Wis. Stat. sec. 66.1001(2).
- (4) The City held a least one public hearing on this ordinance, in compliance with the requirement of Wis. Stat. sec. 66.1001(4)(d).
- (5) The Common Council of the City of Reedsburg, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled "COMPREHENSIVE PLAN OF THE CITY OF REEDSBURG," pursuant to Wis. Stat. sec. 66.1001(4)(C).
- (6) Amending The Comprehensive Plan
  - (A) Applicants seeking to amend the Comprehensive Plan of the City of Reedsburg must submit a request using the Land Use Change Application form provided by the City Clerk. This must be submitted in advance of meetings of the City Plan Commission in accordance with the schedule appended to the application. Applicants shall submit a proposed map or other description of the change to accurately describe the amendment and shall provide written justification for the amendment.
  - (B) If applicable to the extraterritorial zoning area of the City, applications shall be referred to the Reedsburg Area Development Council for recommendation prior to consideration by the Plan Commission.
  - (C) Once approved by the Plan Commission, the application for an amendment to the Comprehensive Plan shall be considered and approved by the City Council prior to the City Council considering any related zoning map amendments or other land use changes.
  - (D) For parcels designated under the 'Existing Land Use' area of the Comprehensive Plan Map, a proposed rezoning does not require a Comprehensive Plan Map amendment. If the designation differs from this map and the rezoning is adopted by the Common Council, the Plan Commission shall note it for when the Comprehensive Plan Map is officially updated within the 10-year mark of the Plan's adoption. For parcels under the 'Proposed Land Use' designation, a Comprehensive Plan Map amendment is not required if by findings of fact by the Plan Commission, the proposed rezoning can still meet the intent of the Comprehensive Plan Map.
  - (E) The city staff shall attempt to notify affected property owners (within 150' of the subject property) prior to every meeting of the Reedsburg Area Development Council, City Plan Commission or City Council where the proposed amendment is considered. A public hearing with a Class One notice shall be held by the City Council prior to consideration of the proposed amendment. All amendments shall be handled as ordinances amending the Comprehensive Plan ordinance.

#### **17.42 MULTI-FAMILY RESIDENTIAL REAL ESTATE DEVELOPMENTS** *(Created 2-24-05)*

- (1) Definitions.

17.42 Multi-Family Residential Real Estate Developments

- (A) “Apartment” means a residential building or portion thereof, containing dwelling units used for occupancy by three or more families living independently of each other and containing three or more residential dwelling units.
  - (B) “Condominium Development” means a residential real estate development subject to a condominium declaration pursuant to Wis. Stat. Chap. 703.
  - (C) “Multi-Family Residential Development” (“MFRD”) means an apartment or condominium development.
- (2) Approval. No MFRD may be constructed and maintained unless it is approved pursuant to this code section.
- (3) Standards – General. In addition to standards applicable to regular subdivisions, no MFRD shall be approved unless the following items have been submitted and approved by the City:
- (A) A development plan of the project including location and sizes of structures, parking layout, access areas and exterior elevations;
  - (B) A preliminary landscaping plan of the project, indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed by the state to prepare such plans;
  - (C) A preliminary lighting plan of the project, indicating location and nature of exterior lighting and lighting fixtures in common areas;
  - (D) The proposed condominium documents, including those portions of the covenants, conditions and restrictions that apply to the conveyance of units, the assignment of parking and the management of common areas within the project;
  - (E) Preliminary construction plans of any proposed new buildings. For existing buildings proposed to be converted, original construction plans or a set of plans accurately showing existing construction shall be submitted; and
  - (F) Such other information, which the City Engineer determines, is necessary to evaluate the proposed project.
- (4) Environmental Preservation. The location and orientation of all buildings shall, whenever feasible, preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, play areas, parking areas and finished grade elevations.
- (5) Landscaping. The following standards shall be met:
- (A) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped in accordance with the project plan. Parking lots are allowed in the setback area if approved by the Plan Commission;
  - (B) Decorative design elements, such as fountains, pools, benches, sculpture, planters, exterior recreational facilities and similar elements may be permitted, providing such elements are incorporated as a part of the landscaping plan; and,
- (6) Lighting. All on-site lighting systems shall be required on all vehicular access ways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.
- (7) Lot Coverage. Lot coverage shall conform to zoning ordinance requirements for the zoning district in which the MFRD project is proposed.
- (8) Open Space – Common. The following requirements shall apply:
- (A) Minimum grass or vegetated open space for MFRD’s shall be thirty (30.0%) percent of the parcel being developed.
  - (B) Common open space areas shall be designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to:

#### 17.42 Multi-Family Residential Real Estate Developments

game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.

- (C) Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not be located within fifteen (15) feet of any door or window of a dwelling unit.
  - (D) Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50.0%) percent of the required open space.
- (9) Open Space – Private. Notwithstanding the common open space requirement, each unit may directly access private open space.
- (10) Trash Collection Areas. Trash collection areas shall be provided within two hundred and fifty (250') feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry or wood walls having a minimum height of five feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.
- (11) Exceptions for Unusual Circumstances. Where there are unusual circumstances involving the location, site, design or configuration of a proposed MFRD, the Plan Commission may approve exceptions to one or more of the terms of this ordinance. Lack of funds to comply shall not constitute a reason for an exception.
- (12) Procedure.
- (A) The developer of a MFRD shall file an application with the Clerk/ Treasurer for approval of the project plan. The Clerk/Treasurer shall refer the application to the City Engineer and the City Plan Commission.
  - (B) The application shall be accompanied by 12 copies of the site plan (8.5 x 11" reduction), written material and other information required by this section and one 11 x 17" or larger copy of the site plan. The application shall contain the elements required by City Plan Commission policy.
  - (C) An applicant who wishes to change an approved site plan, if such proposed changes increase density by more than 5%, or otherwise substantially alters parking, principle uses, drainage or similar principle site plan elements, then such changes shall be reviewed and decided upon in the same procedures as set forth herein for consideration of an original application.
  - (D) An application for approval of a MFRD shall be reviewed as a Site Plan Review under Code sec. 17.14. *(Rev. 02-23-09)*
  - (E) MFRD review fees will be the same as a conditional use permit application fee established under this Chapter 17.

#### 17.43 SEXUALLY-ORIENTED ADULT BUSINESS *(Created 10-22-07)*

- (1) Proximity.
- (A) A Sexually-Oriented Adult Business shall not be located within 600 feet of a zoning district that allows residential uses.
  - (B) A Sexually-Oriented Adult Business shall not be located within 600 feet of another Sexually-Oriented Adult Business.
  - (C) A Sexually-Oriented Adult Business shall not be located within 600 feet of the following:
    1. Public library;
    2. Public playground or park;
    3. Educational facility (K-12) including its grounds;
    4. A state licensed family day care home, group day care home or day care center;
    5. A worship facility; and
    6. Any youth-oriented establishment.

- (2) For purposes of this section, specified distances shall be measured in a straight line, without regard to intervening structures or street from the property line of the Sexually-Oriented Adult Business Establishment to the property boundary line of the other specified use or zoning district.
- (3) All building openings, entries and windows shall be located, covered or screened in such a manner as to prevent the interior of such premises from being viewed from the outside of the business establishment.

**17.44 NON-METALLIC MINING**

(1) Definitions

(A) “Non-metallic mining” means:

- 1. Operations or activities for the extraction from the earth, for sale or use by the operator, of mineral aggregates or non-metallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc, and topsoil, including such operations or activities as excavation, grading, and dredging. Exemptions include operations or activities for street or utility work as well as building and subdivision development sites.
- 2. On-site processes that are related to the extraction of mineral aggregates or non-metallic minerals, such as stockpiling of materials, blending mineral aggregates or non-metallic minerals, crushing, screening, scalping, and dewatering.

(B) “Non-metallic mining site” means any of the following:

- 1. The location, in the Agricultural and Industrial zoning districts, where non-metallic mining is proposed or conducted.
- 2. Storage and processing areas that are in or contiguous to areas excavated for non-metallic mining.
- 3. Areas where non-metallic mining refuse is deposited.
- 4. Areas disturbed by activities such as construction or improvement of private roads or haulage ways for non-metallic mining.
- 5. Areas where grading or re-grading is necessary to conduct non-metallic mining or to achieve a land use specified in an approved non-metallic mining reclamation site.

(2) Non-metallic mining site, one acre or greater: secondary standards.

(A) APPLICATION. This section applies to all non-metallic mining sites that are any of the following:

- 1. Greater than one acre of total affected acreage in the parcel to be mined; or
- 2. Mined for more than 24 months.

(B) PERMIT. Non-metallic mining sites may be permitted under this section with the submission of a conditional use permit pursuant to 17.13. The Plan Commission or RADDC shall determine if the non-metallic mining site is in the public interest after consideration of the following:

- 1. The non-metallic mining site complies with all provisions of this chapter, Sauk Co. Code ch. 24,
- 2. The establishment, maintenance, or operation of the special exception use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.
- 3. That the establishment, maintenance, or operation of the conditional use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long-term future use for the area.
- 4. That adequate utilities, access roads, drainage, traffic plans, and other site improvements are or will be provided.
- 5. All outdoor lighting shall utilize fully shielded lighting fixtures to minimize artificial sky glow and prevent light trespass or glare beyond the property line.

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6. That the non-metallic mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and wastewater permit discharge requirements.
  7. That the noise, vibration, and dust levels be within the standards as established by the state.
  8. That an undeveloped buffer zone adjacent to extraction operations, commencing not less than 50 feet from a property line, or not less than 600 feet from an established building, or such other distance as the Plan Commission or RADC finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.
  9. That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.
  10. Stormwater runoff leaving the site will be controlled to limit sediment delivery to surface waters. Appropriate stormwater discharge or construction site erosion plans may be required.
  11. Non-metallic mining operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.
- (C) **ADDITIONAL FINDINGS AND CONDITIONS.** Where deemed practicable and necessary by the Plan Commission or RADC, the following additional conditions may be added to a special exception:
1. Vegetative buffers, stockpiles, storage, and repairs shall conform to 17.44(3). An earth bank, berm, or vegetative screen shall be constructed and maintained to screen the mining operation from view.
  2. Safety Standards. The non-metallic mining site shall be enclosed by a fence, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a non-metallic mining site. Fencing and signs shall be installed prior to commencement of operations.
  3. Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from DNR.
  4. Any noise shall be kept below 70 dbA as measured at the non-metallic mining site's property line during the mine's operational hours. Back up alarms on vehicles that are required by OSHA shall be exempt from this requirement. Verification of this requirement shall be provided to the zoning administrator upon written request.
  5. Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the special exception.
- (D) **TIME OF OPERATION.** Unless otherwise specified in this chapter, the conditional use permit shall be in effect for not more than 5 years, and may be renewed by application to the Plan Commission or RADC. All permitted operations may be inspected at least once every year by the zoning administrator, and may be inspected at the time a request for renewal is submitted to the zoning administrator to determine if all conditions of the operation are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law. Permits may be amended on application to the Plan Commission or RADC to allow extensions or alterations in operations under new ownerships or managements.
- (E) **TERMINATION OF NON-METALLIC MINING ACTIVITIES.** If non-metallic mining activities terminate for a period of 5 years or more on a site which is the subject of an approved conditional use permit, the permit holder is not entitled to a right of renewal at

the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

1. The discontinuance was specified as part of the original operations plan.
  2. The operator has Plan Commission or RADC approval of an amendment to the original permit placing the operation on inactive status with conditions as to interim or partial reclamation.
  3. Within 2 years of the cessation of the operation all equipment, stockpiles, rubble heaps, other debris and temporary structures, except fences, shall be removed or backfilled into the excavation, leaving the premises in a neat and orderly condition.
  4. As a condition of approval, the operator shall accept responsibility for remediation, or the permit may be revoked.
- (F) STOCKPILING. Stockpiling of any non-metallic mineral, including stone, sand, gravel, clay, and topsoil shall not be permitted beyond final reclamation.
- (3) Non-metallic mining site, less than one acre, not exceeding 24 months: secondary standards.
- (A) PERMIT. Non-metallic mining sites of one acre or less may be permitted under this subsection with the submission of a conditional use permit pursuant to 17.13. The Plan Commission or RADC shall determine if the non-metallic mining site is in the public interest after consideration of the following, provided the non-metallic mining site complies with all provisions of this chapter, Sauk Co. Code ch. 24. These requirements include the requirement for financial assurance and a reclamation plan under Sauk Co. Code ch. 24.
  - (B) TIME OF OPERATION. Non-metallic mining sites permitted under this subsection shall not exceed 24 months of operation calculated from the date the land use permit is issued and concluding upon the completion of final reclamation. If a non-metallic mining site exceeds 24 months of operation, it shall be reviewed under the standards of subsection (2).
  - (C) NUMBER. Multiple locations for extraction may be located on a single parcel provided that the total of all locations combined not exceed 15 acres.
  - (D) OCCURRENCE. Non-metallic mining sites under this subchapter shall not be permitted to occur on a parcel more than once in any 3-year period calculated on the date that the land use permit was issued by the zoning administrator.
  - (E) LENGTH OF OPERATION. Non-metallic mining sites under this subchapter cannot be extended in duration.
  - (F) STOCKPILING. Stockpiling of any non-metallic mineral, including stone, sand, gravel, clay and topsoil, shall not be permitted beyond final reclamation.
  - (G) MATERIAL STORAGE. All materials used in conjunction with the facility shall be stored inside.
  - (H) VEGETATIVE BUFFER. All vehicle repair and maintenance facilities located in non-Industrial zones shall include a vegetative buffer.
- (4) Non-metallic mining: review procedure, standards, and application. The application for a conditional use permit shall be accompanied by the following information:
- (A) OWNERSHIP AND MANAGEMENT DATA. The location of the proposed site of operation, legal description, ownership of the land, leasehold, license and other property interests, and the identity of all individuals, partnerships, associations, or corporations which are involved of the proposed operation.
  - (B) SITE PLAN. Provide a scaled site plan indicating:
    1. Date, north arrow, and graphic scale.
    2. Location of property lines, rights-of-way, easements, and watercourses.
    3. Roads, driveways, and intersections.
    4. Outlines of all buildings, setbacks, and dimensions.
    5. Means of vehicular access.

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6. Schematic of drainage system.
  7. Complete site erosion control plan and finished grade plan
  8. Proposed location, acreage, and depth of intended operation.
  9. Proposed location of mineral extraction site, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities, or other permanent or temporary facilities used in the mining process.
  10. Surface drainage of the property.
  11. Location and names of all streams, roads, railroads, utility lines, and pipelines on or adjacent to the proposed site.
  12. Location and description of the surface land use and vegetation including all pertinent physical characteristics of the extraction site and adjacent properties including agricultural, archaeological, historical, and educational features.
  13. Any additional information as requested by the zoning administrator or committee.
- (C) OPERATIONS PLAN. The operations plan shall address the following factors:
1. A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
  2. Estimated quantity in tons per year to be extracted, specified by phase.
  3. The anticipated number of years of operation.
  4. A description of the extraction and processing procedures, phasing, and equipment to be used.
  5. A description of operating hours, days of operation, blasting and crushing hours, and hauling hours.
  6. Proposed plan shall include the effect and mitigation measures of the operation on the quality and quantity of groundwater.
  7. A description of the measures to be taken to control dust, noise, and vibration.
  8. The proposed mode of transport and the route used to move materials.
  9. Proposed earth bank, berm or vegetative screening where deemed practicable to conceal the mining operation from view.
  10. A description of on-site safety measures including fencing and signage.
- (5) RECLAMATION PLAN. The reclamation plan and financial assurance shall be provided to Sauk County as pursuant to Wis. Admin. Code. § N.R. 135 and Sauk Co. Code ch. 24. Sauk County may require the submittal of additional information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- (6) GROUNDWATER MAINTENANCE AND MANAGEMENT PLAN. For sites with planned excavation lower than the groundwater table, the operator shall submit a detailed hydrogeological report. The operator shall be required to reimburse the city for the expense of professional work or opinions in review of a hydrogeological report if recommended by staff or the Plan Commission or RADC. The hydrogeological report shall provide the following information, as well as a description, and justification of all hydrologic methods used:
- (A) Existing conditions to establish baseline data, including but not limited to:
1. Analysis of groundwater quality on the mining site consistent with Wis. Admin. Code § NR 140.20.
  2. Identification of all known contaminated groundwater resources within one-half mile of the mining site.
  3. Identification of all karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures within one-half mile of the mining site.
  4. Identification and elevation of all surface waters and headwaters within a minimum of one half-mile of the mining site. Elevations must include the existing water level, as well as the ordinary high water mark where applicable.
  5. Identification of all existing groundwater users (such as neighboring private water-supply wells, wellhead protection areas, municipal wells, and irrigation wells) within 1,200 feet of the mining site consistent with Wis. Admin. Code Ch.

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N.R. 812. Well construction reports including well location, well depth, depth of casing, depth to water, and aquifers penetrated shall be identified.

6. Elevation of the groundwater table, groundwater flow directions, and groundwater velocities.
7. All information in subd. 1 to 6, above, shall be presented in the form of contour maps and multiple geologic cross-sections passing through the proposed excavation and all areas of concern.

(B) Proposed operational data, including but not limited to:

1. Elevation of the lowest point of mining and dewatering activities below groundwater.
2. Description of the means planned to prevent surface water running into the excavation.
3. Where dewatering is proposed, provide pumping rates and times, elevations of the groundwater draw down level, and identification of groundwater discharge locations and quantities.
4. A groundwater-monitoring program to ensure compliance with pars. (a) and (b) of this subsection (6). Such program should include the installation of monitoring wells near the site perimeter of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities.

(C) The Plan Commission or RADC may require the applicant to provide additional relevant hydrogeological studies, such as groundwater modeling, if any of the following apply:

1. Dewatering is proposed at the mining site.
2. Known contaminated groundwater resources exist within one-half mile of the mining site.
3. Known karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures exist within one-half mile of the mining site.
4. Exceptional, outstanding, or impaired waters listed by the Wisconsin Department of Natural Resources under the Clean Water Act § 303d exist within one-half mile of the mining site.
5. Existing wells using the same or a shallower aquifer exist within 1,200 feet of the mining site.

(D) If groundwater modeling is required, the following minimum information shall be provided:

1. Description and justification of all input data to groundwater models.
2. Calibration of all groundwater models.
3. Sensitivity analysis for all groundwater models.
4. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.
5. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.