

CHAPTER 17

ZONING CODE

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17.00 TITLE

This Ordinance shall be part of the Municipal Code of Ordinances.

17.01 DATE OF ADOPTION

This Ordinance was duly adopted by the vote of the City of Clintonville Common Council on 2/14/89. Adoption was preceded by due notice and hearing as required by law.

17.02 EFFECTIVE DATE

This Ordinance shall take effect on the date following publication in book or pamphlet form in accordance with Wisconsin Stats. 66.035.

17.03 AREAS TO WHICH THIS ORDINANCE APPLIES

- (1) This Ordinance applies to all lands located within the City of Clintonville and to such lands that may be added to the City of Clintonville subsequent to the effective date of this Ordinance.
- (2) Application of this Ordinance to lands newly added to the City by annexation shall be governed by applicable Wisconsin Statutes.
- (3) Annexations. Annexations to or consolidations with the city subsequent to the effective date of this Ordinance shall be placed in the RT Rural Transitional District, unless the annexation ordinance temporarily places the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent district classification to the Council.
- (4) Municipal Airport - Height Limitations Zoning Map

17.04 COMPLIANCE

The use of any land, the size, shape and placement of lots, the use, occupancy, size and location of structures and equipment and all other matters dealt within this Ordinance shall be in full compliance with the terms of this Ordinance and other applicable regulations. It shall be unlawful for a use, structure or occupancy to occur in non-compliance with the terms of this Ordinance and other applicable regulations.

17.05 VESTING OF RIGHTS IN PROJECTS PLANNED UNDER PRECEDING ORDINANCES

This section govern situations in which a development or occupancy was planned and/or partially carried out under a preceding state of ordinance and it is now prohibited or regulated in a substantially more restrictive way by a new ordinance or ordinance amendment. If the project is legally established and operational prior to ordinance change, it has non-conforming status in accord with section 17.08. Projects not fully established and operational at the time of ordinance change may be allowed, nonetheless, to be established and operated under previous ordinance standards by vote of the Zoning Board of Appeals on a ordinance variance basis. The burden shall be on the applicant to prove to the board that:

- (1) Under the then-current state of court cases on zoning law, as interpreted to the Board by the city Attorney, the applicant has made enough good faith investment toward the proposed project to have vested rights to continue; and
- (2) To enforce the new or amended ordinance strictly would create unnecessary hardship and would not achieve public benefits sufficient to outweigh the hardship. The Board may, in its sound discretion, impose conditions to establish reasonable compromise between old and new standards.

17.06 DEFINITIONS

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

ABATTOIRS: Slaughterhouse

ACCESSORY USE OR STRUCTURE: A use or detached structure subordinate to the principal use of a structure, located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure. No accessory building or part thereof shall be used for a eating, sleeping, or living quarters.

ADULT ENTERTAINMENT BUSINESSES : The following constitute Adult Entertainment Businesses:

- (a) **ADULT BOOKSTORE** -- An establishment having as its stock-in-trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, as defined below, and, in conjunction therewith, have facilities for the presentation of adult entertainment, as defined below, including adult-oriented films, movies or live performances, for observation by patrons therein.
- (b) **ADULT CABARET** -- A cabaret which features topless dancers, strippers, male or female impersonators or similar entertainers.
- (c) **ADULT ENTERTAINMENT** -- Any exhibition of any motion pictures, live performance, display or dance of any type which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas, as defined below, or the removal of articles of clothing or appearing partially or totally nude.
- (d) **ADULT MINI MOTION-PICTURE THEATER** -- An enclosed building with a capacity of fewer than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.
- (e) **ADULT MOTION-PICTURE THEATER** -- An enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.
- (f) **ADULT-ORIENTED ESTABLISHMENT** -- Includes, but is not limited to, adult bookstores, adult motion-picture theaters, adult mini motion-picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

AUTO SALVAGE: The wholesale or retail of used motor vehicles parts which includes the storage of and dismantling of motor vehicles for the purpose of selling parts, and the assembling, breading up, sorting,

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storage and wholesale distribution of scrap and waste materials.

AUTOMOBILE SERVICE STATION: Any building or premises that sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.

BED AND BREAKFAST ESTABLISHMENTS: Any place of temporary lodging that provides four or fewer rooms for rent for a length of stay not to exceed three weeks, is the owner's personal residence, and is occupied by the owner at the time of rental and in which the meals are served to lodging guests only.

BOARDING HOUSE: A building other than a hotel where meals or lodging and meals are furnished for compensation for three (3) or more persons not members of a family, not open to daily transients as a hotel or restaurant or bed and breakfast establishment.

BOATHOUSE: A permanent accessory structure designed and used solely for the purpose of protecting or storing boats for noncommercial purposes.

BUILDING: Any structure which has a supported roof intended for shelter or enclosure.

BUILDING AREA: The specified portion of a lot which meets all of the yard and setback requirements of this Ordinance and other applicable ordinances and regulations.

BUILDING HEIGHT: The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs.

BUILDING PRINCIPAL: The building on the lot intended for primary use as permitted by the regulations of the zone in which it is located.

BUILDING SETBACK LINE: A line measured across the width of the lot at that point where the main structure, including any overhand, is in accordance with setback provisions.

CONDITIONAL USES: Certain land uses which are specifically mentioned in this Ordinance which may have impacts dependent upon specific circumstances. Conditional uses as specified in this Ordinance require issuance of Conditional Use Permits approved by the Plan Commission (Note: Conditional Use Permits are the same as special exceptions).

CORNER LOT: A lot abutting two or more streets at their intersection.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

DWELLING: A detached building designed or used exclusively as a long-term residence or sleeping place, but does not include transient occupancy such as hotels, motels, boarding houses or bed and breakfast establishments. See also RESIDENCE.

DWELLING, ATTACHED: A single-family residence which is attached to another dwelling unit or another structure. Attached dwelling includes duplexes, tri-plexes, townhouses and row houses.

DWELLING, DETACHED: A single-family building which is entirely surrounded by open space on the

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same lot.

DWELLING, DUPLEX (two family): A building containing two single-family dwelling units.

DWELLING, MULTIPLE FAMILY (apartment): A building containing three or more single-family dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit.

DWELLING UNIT: A building or portion thereof with rooms arranged, designed, used or intended to be used for one family. For enforcement purposes, guest houses with kitchen and bathroom facilities are considered dwelling units.

EFFICIENCY UNIT: An efficiency unit is a dwelling consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove shall not exceed ninety (90) square feet in area and shall not be used for sleeping purposes.

ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility offices or other structures not related to the direct delivery of service.

FAMILY: One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FENCE: Any open or closed barrier made of masonry, metal, wood or plant materials for the purpose of enclosing any part of a lot or parcel of land.

FLOOR AREA, GROSS (FOR DETERMINATIONS OF SINGLE FAMILY DWELLINGS IN THE R1, R2 AND R3, ZONING DISTRICTS): The sum of the gross horizontal area of one floor or all floors of a single-family dwelling measured from the exterior face of the exterior walls. The gross floor area in a Bi-level and a Tri-level would include below grade lower ground levels if those levels are not more than four feet below grade. The gross floor area does not include the following: basement, open exterior balconies, patios, porch's which are not enclosed, garages, carports.

FRONTAGE: That side of a lot abutting on a street or waterway and ordinarily regarded as the front of the lot.

FRONTAGE STREET: Any street to be constructed by the developer or any existing street in which development shall take place.

GROUP HOME: Community living arrangements under Wis. Stats. 46.03(22), including those child welfare agencies, group homes for children and community based residential facilities identified therein. For purposes of applying lot size, parking and similar requirements to group homes, the Zoning Administrator shall classify the structure by size as being equivalent to a single family, two family or multiple unit structure with a specified number of units or equivalent units.

HIGHWAYS: All State and Federal highways in the City are hereby designated Class A Highways. All County Truck Highways not designated Class A are hereby designated Class B Highways. (Adopted 1-15-98)

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HOTEL: A building containing lodging rooms, a common entrance lobby, halls, and stairway; where each lodging room, does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50% of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

JOINT EXTRATERRITORIAL ZONING COMMITTEE: A zoning committee composed of members of the Plan Commission and members from outlying towns established in accordance with Section 62.23(7a), Wis. Stats.

JUNKYARD: "Junkyard" means the use of more than two hundred square feet of the area of any lot outside a completely enclosed building, or the use of any portion of that half of any lot that joins any street for the storage, keeping, sale, or abandonment of wastepaper, rags, scrap metal, scrap lumber or other discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, and not including salvaged materials incidental to manufacturing operations.

KENNEL: Means any establishment where or whereon dogs are kept for the purpose of breeding, sale or sporting purposes.

LOADING AREA: A complete off-street space or berth on the same lot for the loading of unloading of freight carrier, having adequate ingress and egress to a public street or alley.

LODGING ROOMS: A lodging room is a room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this Ordinance.

LOT: A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway.

LOT AREA: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

LOT AREA COVERAGE: The area of a lot that consists of impervious surface in relation to total lot area.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINES: A property boundary line of any land parcel held in single or separate ownership; except that where any portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.

LOT, THROUGH: A lot which has a pair opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

LOT, WIDTH: The average horizontal distance between the side lot line of a lot measured within the lot boundaries or the minimum distance between the side lot lines within the buildable area at right angle to the length.

MANUFACTURED DWELLING: A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code, One and Two Family Uniform Dwelling Code Section 20.07 (52) which

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bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

MANUFACTURED HOME: A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufactured Housing Construction Standards (Reference 42 United States Code Section 5401).

MOBILE HOME: A structure, transportable in one or more sections, which is 8 feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditional and electrical systems contained therein. Mobile homes include manufactured housing as defined in Chapter 101, Wis. Stats.

MOBILE HOME PARK: Any plot or plots of ground owned by a person, state or local government upon which two or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership, and whether or not a charge is made for such accommodation.

MOTELS: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients, where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

NONCONFORMING DWELLING: Any dwelling, lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations herein.

NONCONFORMING LOT: Any lot created and recorded prior to the effective date of this Ordinance or amendment thereto which does not conform to the size or lot dimension requirements herein.

NONCONFORMING BUSINESS OR INDUSTRY: Any business lawfully conducted on a premise at the time of the effective date of this Ordinance, or amendment thereto, which does not conform to the regulations herein.

NONCONFORMING USES AND STRUCTURES: The lawful use of a building, structure or property which existed at the time of this Ordinance (or an applicable amendment to this Ordinance) took effect and which is not in conformity with the provisions of this Ordinance.

OCCUPANT PARKING SPACE: An off-street parking space without time limits provided for the use of residents and guests in residential developments.

PUBLIC OPEN SPACE: Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

RECREATIONAL AREA: Any park, playground, ball field, ski hill, sport field, swimming pool, riding stable or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or private organizations.

RESIDENCE: A dwelling unit occupied for housekeeping purposes on a non-transient basis.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main. The usage of the term "right-of-way" for zoning purposes shall mean every right-of-way hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots of parcels adjoining such right-of-way and not including within the dimensions or areas of such lots or parcels.

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SANITARY LANDFILL: A waste disposal operation which consists of dumping garbage, rubbish and other debris into a depression or trench, compacting it and promptly covering it with a layer of earth of suitable thickness.

SATELLITE DISH ANTENNAS: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or bar configured, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TUROs, and satellite microwave antennas. Satellite dish antennas shall be considered accessory uses and subject to all regulations applicable to such.

SETBACK LINES: Lines established adjacent to highways, shorelines and side lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. For purposes of enforcement, all measurements are to be taken horizontally.

SIGN: A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

SPECIAL EXCEPTION: Those uses or structures as set forth in each district that would be appropriate in a zoning district which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, property or general welfare.

STATE CLASSIFIED MANUFACTURING: Manufacturing uses and operations as defined in Sec. 70.955(1) to (3), Wis. Stats.

STREET 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 such yards.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial changes in the roof and exterior wall.

STRUCTURE: Anything erected, the use of which requires a permanent location on the ground. Stairways to the water, signs, billboards or other advertising medium, detached or projecting shall be construed to be a structure.

STRUCTURE, MINOR: Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses, play equipment; arbors; and walls and fences under four (4) feet in height.

TEMPORARY USE: Any period of time or use not to exceed thirty (30) consecutive calendar days.

TOXIC MATERIALS: Materials which are capable of causing injury to living organisms by chemical means.

TRANSIENT LODGING: A commercial lodging establishment which rents sleeping quarters or dwelling units for periods of less than one month.

UNNECESSARY HARDSHIP: That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage,

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height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

USABLE OPEN SPACE: That part of the ground level of a lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings and accessory buildings. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening, greenhouses, and other leisure activities normally carried on outdoors. Balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

UTILITY FACILITIES: Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations, and sanitary landfills.

VARIANCE: An authorization granted by the Zoning Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

VISUAL CLEARANCE TRIANGLE: A space approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impede visibility.

WETLANDS: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

YARD: An open space on a lot which is unoccupied or unobstructed from its lowest level to the sky. For the purpose of this Ordinance, a "yard" extends along a lot line and at right angles to such lot line only to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

YARD, STREET: (See Street Yard)

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

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

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.

17.07 PRE-EXISTING SUBSTANDARD PARCELS

Lots or parcels proposed to be placed in a use allowable under this Ordinance that are deficient in minimum lot area or minimum lot width, may be allowable for such use, subject to the provisions of the applicable Zoning District Dimensional Standards if the parcel was of record on the effective date of adoption of this ordinance.

This allowance applies only to pre-existing substandard parcels and does not establish policy or precedent favoring the creation of new sub-standard lot configurations.

- (1) After the effective date of adoption of this Ordinance, no substandard parcel shall be sold if one or more adjoining parcels are owned by the same party without adjusting the property lines so that the lot(s) conform to the applicable Zoning District Dimensional Standards.
- (2) An existing substandard parcel that is zoned residential may be allowable as a site for residential dwelling structure not to exceed two units if it has 5,000 square feet of lot area and at least 50 feet of lot width at the building line and effective and workable easement access to a public street. If such a

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parcel is 5,000 square feet or more in lot area but less than the Dimensional Standards, the area of such lot may not be reduced.

- (3) If the pre-existing substandard parcel cannot conform to the applicable Zoning District Dimensional Standards the owner/agent shall be required to initiate a request for a variance under the provisions of 17.34 Zoning Ordinance.

17.08 PRE-EXISTING NON-CONFORMING USES AND DEVELOPMENTS

- (1) The lawful established and operational use of a structure or premises existing on the effective date of this Ordinance or the effective date of an Amendment to this ordinance may be continued although such use does not conform with the provisions of the Ordinance or the amendment, except as hereinafter specified.
- (2) Non-conforming uses of principal structures, secondary or accessory uses or premises and structures that are non-conforming as to dimensional requirements (side yard, street yard) may not be expanded, extended, moved, relocated, enlarged unless a variance is granted by the Zoning Board of Appeals, except:
 - (a) They may be repaired after either damage by fire, flood, explosion, earthquake, war riot, or act of God if the total estimated cost of repair, reconstruction or alterations does not exceed 50% of the estimated market value of the property or accessory structure and the building inspector's report indicates that the building complies with the applicable Building Zoning or housing Codes or
 - (b) The expansion, extension, moving, relocation or enlargement comply with the applicable Building, Zoning or Housing Code as certified by a written report of the Building Inspector.
- (3) No additional structures in connection with such non-conforming structures shall be erected unless a variance is granted by the Zoning Board of Appeals unless the additional structure(s) complies with the applicable Building, Zoning or Housing Code as certified by a written report of the Building Inspector.
- (4) If non-conforming use of the use (conforming or non-conforming) of a structure that is non-conforming as to dimensional requirements is discontinued for a period of 12 months any future use of the building or premises shall conform to the Ordinance.
- (5) Non-conforming uses may be changed to distinctly different non-conforming uses only with conditional use approval. Conditional use review shall be based on compatibility with prevailing permitted and conditional uses in the area. Changes that will not aggravate disharmony with such permitted or conditional uses may be approved.
- (6) Non-conforming sign regulations are found in section 17.12.
- (7)
 - (a) Notwithstanding whatever may be provided in this section, if any existing non-conforming structure or lot which existed as of the date of the adoption of this ordinance, and said structure is partially damaged or entirely destroyed by fire, flood, explosion, earthquake, war, riot, or act of God, the property owner can replace and/or expand said damaged structure. Said repair/expansion shall be of a size not greater than 20% larger than the non-conforming structure as it existed prior to said damage. In no event shall the repair/expansion violate any of the yard setback requirements of this Code.
 - (b) Prior to a person who owns a non-conforming structure or lot repairs and/or expands said non-conforming structure, the person shall apply to the Plan Commission for a special exception.

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The special exception procedure is set for in Section 17.29(2)(f) of the Code shall apply.

17.09 INTERPRETATION; GENERAL

- (1) Relationship of Zoning to Plan Documents. Community Development Plan documents or plans for components of city development shall, unless otherwise specified, be guides to interpretation of this Ordinance. Wherever possible, interpretation decisions rendered under this Ordinance shall harmonize zoning regulation decisions with plans and other plan implementation regulations.
- (2) General Intent. The intent of this Ordinance is to contribute to the betterment of the community for the benefit of persons who reside in the community. The Ordinance intends to promote the public health, safety and welfare, to promote orderly development in all sectors, and to maintain and improve the quality of the community.
- (3) Rules of Language Construction. The language set forth in the text of this Ordinance shall be interpreted in accord with the following rules of construction:
 - (a) The singular number includes the plural and the plural is singular.
 - (b) The present tense includes the past and future tenses and the future the present.
 - (c) The word "shall" is mandatory and the word "may" is permissive.
 - (d) The masculine gender includes the feminine and neuter genders.
 - (e) Whenever a word or term defined appears in the text of this Ordinance, its meaning shall be as stated in such definition.
- (4) Liberal Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- (5) Conflicting Regulations. Where the standards of this Ordinance are either more restrictive or less restrictive than standards imposed by any other laws, ordinances, statutes, resolutions, or regulations, the regulation that is more restrictive or that imposes higher standards or requirements shall prevail.
- (6) Classification of Uses. In each zoning district there are uses which are permitted uses and uses which are conditional uses.
 - (a) Permitted Uses. Permitted uses of land or buildings, as herein listed, shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted herein in the zoning district in which such building or tract of land shall be located, with the following exceptions:
 1. Uses lawfully established on the effective date of this Ordinance; and
 2. Conditional uses allowed in accordance with the provisions of section 17.30.

Uses lawfully established on the effective date off this Ordinance and rendered nonconforming by the provisions thereof shall be subject to those regulations of section 17.08 governing nonconforming uses.
 - (b) Conditional Uses. Conditional uses are herein listed may be allowed in the districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of section 17.30.

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(c) A term "allowable uses" in this Ordinance refers to both permitted and conditional uses.

- (7) **Uses Not Classified.** When a use is not specifically provided for in this Ordinance, the Plan Commission or a property owner may request a study by the Plan Commission to determine whether the proposed use is compatible with the Community Development Plan, what zoning district would be appropriate and a determination as to conditions and standards relating to such use. The Common Council may, upon receipt of the study, initiate an amendment to this Ordinance to provide for the particular use under consideration or find that the use is not compatible in the particular location.
- (8) **Separability.** It is hereby declared to be the intent of the Common Council that the several provisions of this Ordinance are separable. If a court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to particular property, building or structure, such judgment shall not affect application of said provision of any other properties, buildings or structures not specifically included in said judgment.

17.10 CERTIFICATE OF ZONING COMPLIANCE

The City of Clintonville shall not require certificates of zoning compliance or occupancy permits before a building is allowed to be occupied. The property owner is responsible for maintaining compliance with all applicable local, state and federal regulations.

A property owner may request a certificate of zoning compliance from the Zoning Administrator, which shall state whether or not the property and use on or proposed for the property meets the current zoning ordinance.

The fee for a certificate of zoning compliance shall be established in section 17.35.

17.11 SITE RESTRICTIONS

The following site restrictions shall apply:

- (1) **Location on Lot.** All principal structures shall be located on a lot and only one principal structure shall be located, erected or moved on a lot.
- (2) **Frontage on Full Street.** No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side from which the required dedication has not been secured.
- (3) **Private Sewer and Water.** In any district where public water and sewerage service is not available, the width and area of all lots shall be determined in accordance, and shall comply, with Wis. Adm. Code ILHR 85. However, the requirements for single-family lots shall be no less than 75 feet and no less than 10,000 square feet.
- (4) **Reduction of Area or Dimensions: 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 requirements of this chapter. No part of any lot, yard, parking area or other space required for a structure of use shall be used for any other structure or use.
- (5) **Accessory Uses and Structures.**

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- (a) A building permit is required before construction of any accessory use or structure. No accessory use or structure is permitted in any district until their principal structure is present or under construction.
- (b) Setbacks for the B2, B3 and Industrial Districts shall be in accordance with the setbacks for primary use for front yards and a minimum of ten (10) feet in the rear yard from all lot lines including alley lines.
- (c) Setbacks for the residential districts shall be in accordance with the setbacks for primary uses for front yards unless the accessory structure is ten (10) feet or more from the principal structure or appurtenances in the rear yard, in which case the structure may be located not less than three (3) feet from all lot lines and five (5) feet from all alley lines.
- (d) No detached accessory building or structure shall exceed 18 feet in height in a residential district. No detached building or structure in a business or industrial district may exceed height requirements for primary structures within that district. The height requirements for a communication structure shall not exceed three times its distance from all lot lines.
- (e) Residential accessory uses shall not involve the conduct of any business or trade. Accessory uses are intended to include incidental repairs, parking facilities, private swimming pools, storage.
- (f) Forty percent (40%) of the space of a lot, over and above that which is occupied by the principal residential structure shall be usable open space.
- (g) All accessory uses and structures all employ (to the extent possible) materials and colors that blend with the surroundings when viewed from any public roadway or navigable waters.
- (h) Fences. Other than as provided below, fences cannot exceed six (6) feet in height from grade and cannot be forward of the front yard of the residence except as provided below:
 - 1. Front yard fences in residential districts must be not more than 36 inches in height and in compliance with a vision clearance triangle according to 17.11(9), provides however that said vision clearance triangle shall not apply to intersections controlled by traffic control signs if any of the adjacent property bordering said intersection is located within the B-1 Downtown Business District, B-2 Neighborhood Convenience Retail District, B-3 Highway Commercial Overlay District, I-1 Industrial District, I-2 Intensive Industrial District and /or I-P Industrial Park District.
 - 2. Fences in Industrial Districts cannot exceed eight (8) feet in height. Only in Industrial Districts may fences be constructed of barbed wire, electric wire of similar materials.
 - . Fences which are not properly maintained and kept in a neat and proper state of maintenance and appearance shall be removed by the owner upon notice of the Zoning Administrator.
 - 3. Fences in Airport-Industrial and Airport-Municipal Districts cannot exceed ten (10) feet in height.
 - 4. No person, firm or corporation shall, after the effective date of this ordinance, erect, construct, enlarge or move any premises without first obtaining a permit from the City Building Inspector or Building Inspector firm hired by the City (hereinafter Building Inspector). However, any fence which is less than one foot in height, trellises and archways are exempt from obtaining a permit. A sketch or design of the proposed fence shall be

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submitted to the Building Inspector before construction shall begin. Said sketch or design shall show the height, location, materials that the fence will be made out of, lot lines and any other information required by the Building Inspector.

5. Any fence which exists at the time of the passage of this ordinance, but does not conform with the provisions thereof, shall not be altered, enlarged or repaired without making the entire fence conform with the provisions of this ordinance.
- (i) In all zoning districts, roof mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted as a conditional use, subject to the following criteria:
 1. Demonstration by the applicant that compliance with section 17.11 of this Ordinance would result in the obstruction of the antenna's reception window, furthermore, such obstruction is beyond the control of the applicant.
 2. The height of the proposed installation does not exceed the maximum height restrictions imposed upon primary uses in the district.
 3. The applicant shall provide a certified statement from a licensed engineer stating that the installation is safe and not a hazard to the occupants of the building or the immediate neighbors.
 4. If an appeal is filed with the Board of Appeals concerning the application of this section in relation to satellite dish antennas, in addition to the standard for variances listed in section 17.34, the Board of Appeals shall consider is the setback requirements impose unreasonable limitations on, or would prevent, reception of satellite-developed signals by receive-only antennas that are excessive in light of the purchase and installation cost of the equipment in making their determination.
 5. Those criteria for conditional uses (listed in section 17.31) shall apply.
 - (j) In all zoning district, ground-mounted satellite dish antennas up to twelve (12) feet in diameter are permitted as accessory uses, subject to the requirements of this section.
- (6) Setbacks from the Water.
 - (a) Lots that abut on navigable waters. All buildings and structures, except boathouses shall be set back at least 75 feet from the ordinary high water mark of navigable waters. This setback requirement is applicable only to any parcel annexed after 1982 and any replats of existing subdivisions.
 - (b) Reduced building setbacks. A setback of less than 75 feet may be permitted by the zoning administrator where there is at least one main building on either side of the applicant's lot, within 200 feet of the proposed site that is built to less than the required setback. In such case, the setbacks shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setbacks shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the Zoning Board of Appeals.
 - (7) Yard Requirements. Front, side and rear yards shall be provided in accordance with the regulations herein indicated AND shall be unobstructed from the ground level to the sky, except for average street yards, reduced building setbacks, and average rear yards. Uncovered stairs, landings, decks

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and fire escapes may project into the side yard but no closer than three (3) feet to the property line and may not exceed the average rear yard. Architectural projections such as chimneys, eaves, and ornaments may project into the required yard, but such projections shall not exceed two (2) feet.

- (a) Average Street Yards. The required street yards may be decreased in any residential district to the average of the existing street yards of the abutting residential structures on each side but in no case less than 10 (10) feet in any residential district.
 - (b) Average Rear Yards. The required rear yard may be decreased in existing residential district as of the effective date of adoption of this ordinance to be not less than fifteen (15) feet to allow for additions such as wood decks, screen porches, etc., or additions to the principal residence.
 - (c) A Class A Highway Building Setback shall be 50 feet from the property line. A Class B Highway Building Setback shall be 40 feet from the property line. (Adopted 1-15-98)
- (8) Driveways. New driveways installed after the effective date of adoption of this ordinance shall be not less than three (3) feet from all lot lines. This provision does not apply to replacing an existing driveway. A driveway permit is required by the Director of Public Works according to Ordinance 8.12.
- (9) Traffic Visibility. No obstructions, such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersection street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersections.
- (10) Loading and Unloading Requirements. On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

- (a) Number of loading and unloading spaces required:

<u>Gross Floor Area of Building in Square Feet</u>	<u>Number of Spaces</u>
5,000 - 24,999	1
25,000 - 49,999	2
50,000 - 99,999	3
100,000 - 174,999	4
175,000 - 249,999	5

For each additional 74,000 square feet (or fraction thereof) of gross floor area, one (1) additional loading and unloading space shall be provided.

- (b) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.
 - (c) At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.
- (11) Parking Requirements. In all districts and in connection with every use, there shall be provided at

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the time any use or building erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings, and a minimum of 24 feet at the property line for all other uses.
- (b) The minimum dimensions of each parking space shall be 9 feet by 18 feet.
- (c) Off-street parking. In the B1 district, there shall be no minimum off-street parking requirements for businesses listed as permitted or conditional uses in the B1 district. All other uses must comply with off-street parking requirements.

In all other business, industrial districts except the IP (Industrial Park), there shall be one (1) space for every two (2) employees, and a business with retail sales shall have at least one (1) space for every 175 square feet of gross retail floor area. For all mobile homes, space will be provided off street for parking of two cars.

REQUIRED OFF-STREET PARKING FACILITIES FOR DWELLING UNITS

**NUMBER OF REQUIRED PARKING SPACES
PER LODGING ROOM OR DWELLING UNIT**

Zoning District	Lodging Room	One Efficiency Unit	Two Bedroom Unit	Three Bedroom Unit	or More Bedroom
Conservancy, R1, R2	1.0	1.0	1.2	1.25	1.25
R3, B1, B2, B3, I-1, I-2	.50	.75	1.00	1.00	1.00

- (12) Site Plan Approval. In all districts, except the IP-Industrial Park District (see 17.24 (5), approval of a site plan will be required prior to start of construction of the following: new buildings, except new 1 and 2 family residential dwellings covered under Wisconsin Administrative Code-Uniform Dwelling Code, off street parking areas, and excavation and filling operations which are subject to permit requirements. The intent is that this would not include accessory buildings under 150 square feet.

Site plans shall show property lines, street lines, existing and proposed structures, existing and proposed utilities, existing and proposed elevations, and proposed drainage patterns. Parking lot plans shall also show proposed drainage structures, parking stall dimensions and layout, curb-cuts and apron widths, traffic circulation, and grading and landscaping. In the event that existing lot lines cannot be located in accordance with the existing monuments and recorded plat, a plat of survey may also be required.

Two copies of the site plan shall be prepared and submitted to the Zoning Administrator for review and approval. One copy of the plan will be returned to the owner after the necessary signatures of the Zoning Administrator and Director of Public Works or designee(s) are obtained.

17.12 SIGNAGE REGULATIONS

- (1) Purpose. The purpose of this ordinance is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the City of Clintonville, hereafter referred to only as the City of Clintonville. This ordinance recognizes the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication.

This code authorizes the use of signs visible from public rights-of-way provided the signs are:

- (a) Compatible with the zoning regulations.
 - (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
 - (c) Legible, readable and visible in the circumstances in which they are use.
- (2) Definitions.

ABANDONED SIGN. A sign which no longer correct advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

ANIMATED SIGN. Any sign or part of a sign which changes physical position by movement or ration, or gives the illusion of such change of physical position.

AWNING. A moveable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

BILLBOARD. A flat surface, as of a panel, wall or fence on which signs are posted advertising a business, product or service not available on the premises.

BUILDING FRONT. The horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In Industrial districts a building side with an entrance open tot industrial employees shall also qualify as a building front.)

BULLETIN BOARD. A sign used for the purpose of notification to the public of an event of occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

CANOPY. Any structure of canvas, other fabric, plastic metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as is an awning.

CANOPY SIGN. Any sign attached to or constructed in, on or under a canopy. for the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

DIRECTIONAL SIGN. Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.

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DISPLAY SURFACE OR FACE. The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.

DISTANCE OF SIGN PROJECTION. The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

ELECTRICAL SIGN CONTRACTOR. A person, partnership, or corporation which in the normal course of business installs and maintains electric signs.

EXTERIOR WALL SURFACE. The most exterior part of a wall, sun screen or any screening or material covering a building.

FLASHING SIGNS. Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effect by any means whatsoever.

GRADE. The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.

GROUND SIGN. A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

HEIGHT OF SIGN. The vertical distance measured from the grade at the sidewalk to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.

ILLUMINATED AWNING. An internally illuminated awning fabricated from a translucent material, or one which is back lighted so as to appear to illuminate the awning sign. May be used for an awning sign when other requirements are met.

ILLUMINATED CANOPY. An internally illuminated canopy, or one which is back lighted so as to appear to illuminate the canopy sign.

ILLUMINATED SIGN. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

JOINT IDENTIFICATION SIGN. A sign which serves a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a director to said uses as an integral part thereof.

LEGAL NON-CONFORMING SIGN. Any sign which was already in existence and displayed on the effective date of this Ordinance, which met code requirements when originally installed, but not meeting the requirements and limitations of this Ordinance.

NON-CONFORMING SIGN. A sign that does not meet code regulations when erected.

PROJECTING SIGN. A sign other than a wall which projects from a wall or roof and is supported by a wall or roof of a building.

REAL ESTATE SIGN. A sign erected by a person, partnership or corporation, advertising or giving notification that a structure or property is for sale, lease or rent, including those signs erected by the owner of said structure or property, and located on the structure of property being advertised.

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ROOF LINE. The highest point on any building where an exterior wall encloses usable floor area including roof area provided for a housing mechanical equipment.

ROOF SIGN. Roof sign shall mean a sign erected upon or above the roof line or parapet of the building or structure.

SIGN. A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

SIGN AREA. The entire area within a single continuous perimeter enclosing the extreme limits of such graphic and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such graphic and not forming an integral part of the display.

SIGN CONTRACTOR. Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.

SIGN INSPECTOR. That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Ordinance. In the City of Clintonville the Sign Inspector will be the Zoning Administrator.

SIGN PERMIT. A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to the Building Code of the City.

SIGN STRUCTURE. Sign structure shall mean any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.

SUBDIVISION IDENTIFICATION SIGN. a sign identifying a subdivision wherein only the name of the subdivision is specified.

SWINGING SIGN. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.

TEMPORARY SIGN. For purposes of this chapter, a temporary sign shall be a sign which is not permanently affixed to the structural portion of a building and which shall not remain in place for a period in excess of 60 days or exceeding 40 square feet in sign area. Temporary signs meeting these requirements shall not need a sign permit.

TIME AND TEMPERATURE SIGN. An electrically controlled sign displaying time and temperature for public service information. May be incorporated into a business identification sign.

THIRD PARTY SIGN. Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.

WINDOW SIGN. A sign of a temporary nature which is applied or attached to the interior of a window only, which sign can be seen through the window from the exterior of the building.

- (3) Permit Required. Except as otherwise provided in this Ordinance, it shall be unlawful for any person, firm, corporation or organization to place, erect, alter or relocate or cause the same to be

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done, within the City of Clintonville, any sign, as defined in this Ordinance, without first obtaining a permit and paying the required fee. Permits shall not be required for the repainting, cleaning and other normal maintenance or repair of the sign or sign structure.

- (a) **Application for a Permit.** Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:
1. The name, address and telephone number of the applicant.
 2. The name and address of the owner or owners of the premises upon which the sign is to be attached or erected.
 3. The street number and street name or parcel number of the land upon which the sign is to be attached or erected.
 4. A clear and legible scale drawing of the proposed sign and a map of the lot or parcel of land on which it is to be erected showing its intended location on the site.
 5. The basic materials to be used in the construction of the sign.
 6. The name, address and telephone number of the owner of the sign if he or she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
 7. A description of all electrical equipment if the sign is to be lighted or illuminated.
 8. If work to be performed by a contractor, the name and address of such contractor, and a certificate giving proof of adequate insurance held by the contractor as reflected elsewhere in this Ordinance.
 9. Such other information as the Zoning Administrator may require in order to indicate compliance with this chapter and all other ordinances of the City of Clintonville and, in connection with application for temporary permits, a written statement that the sign will be displayed for a period of time not exceeding sixty days.
- (b) **Issuance of Permit.** The Zoning Administrator, upon the filing of an application for a sign permit, shall examine the application, as well as the premises upon which it is proposed to attach or erect the sign, and if it appears that the proposed sign is in compliance with the requirements of this chapter and all other ordinances of the City of Clintonville, the inspector shall issue a permit upon payment of sign permit fee. In the event that a permit is issued, but the sign authorized by the permit is not attached or erected within six months after the issuance of the permit, the permit shall expire.
- (c) **Sign Permit Fee.** Application for a sign permit shall be filed with the Zoning Administrator together with a permit fee for each sign in accordance with section 17.35 of this code.
- (d) **Permit Issuance and Denial.** The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Clintonville when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations and this Ordinance. If the sign permit is denied by the Zoning Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

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- (e) Sign Permit Appeal.
 - 1. Appeal from denial of a permit may be taken to the Zoning Board of Appeals. Such an appeal can be made at a meeting of the Board, provided a request for hearing has been made in writing to the Zoning Administrator no less than 15 calendar days prior to the desired date of the meeting. The Zoning Administrator shall comply with and enforce the Zoning Board of Appeals decision.
 - 2. The Zoning Administrator's failure to either formally grant or deny a sign permit within ten (10) working days of the date an application meeting the requirements of this Ordinance is filed, shall be cause for appeal to the Zoning Board of Appeals.
- (f) Notification of Non-Conformance. After enactment of this Ordinance the Zoning Administrator shall survey the City of Clintonville to inventory all signs. Upon determination that a sign is non-conforming, the Zoning Administrator shall use reasonable efforts to so notify in writing, the user or owner of the property on which the sign is located of the following?
 - 1. The sign's non-conformity.
 - 2. Whether the sign is legal non-conforming or is unlawful, and if the latter, the reasons for such determination.
 - 3. Any legal non-conforming sign may continue to be displayed subject to the requirements of this section and section 17.12(4).
 - 4. If the sign was not constructed according to all applicable regulations at the time of its construction (prior to the effective date of this Ordinance), it shall be removed or made to conform to all current applicable regulations within 90 days after notice is mailed by the Zoning Administrator by registered mail.
 - 5. Grandfather clause. All legal non-conforming signs, within ten years after the effective date of this Ordinance or ten years after enactment of any modification hereto, shall be in full compliance as to the square footage requirements of this Ordinance.
- (4) General Requirements and Prohibitions.
 - (a) Limitation on Purposes. All signs shall be limited to the owner's, tenant's or occupant's name or business name, profession or trade, art work such as seals, symbols or crests, as well as the services offered or products sold within the building or on the premises to which the sign is to be attached or on which the sign is to be erected.
 - (b) Safety Regulations: Attachment/location. No sign or anchor, brace or guide rod shall be attached to any fire escape and no sign or anchor, brace or guide rod shall be erected or maintained which may cover or obstruct any door, doorway or window of any building which may hinder or prevent the raising or placing of ladders against such building in the event of fire.
 - (c) Safety Regulations: Weight, Dead Loads, Live Loads. All signs, except flat signs and those signs weighing less than ten pounds, shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square feet of area, and shall be constructed to adequately support the deal load and any anticipated live loads (i.e. ice, snow) of the sign.
 - (d) Signs Not Requiring a Permit. The following signs may be erected and maintained in all

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districts without a permit and without being deducted from gross sign surface area permitted:

1. Bulletin Boards. One bulletin board per street frontage, and not over thirty-two square feet in area, for public, charitable or religious institutions located on site.
2. Contractor Signs. Maximum of twelve square feet in Residential districts, naming the contractors or other major parties involved, engaged in the construction on the property where the sign is located, but only during such period in which actual construction is taking place. Maximum 32 square feet in Business and Industrial districts.
3. Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
4. Occupant Signs. Signs limited in content to name of occupant, address of premises, and signs of danger. Occupant signs shall be a maximum of one per street front and no more than three square feet in sign area.
5. Public Signs. Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
6. Real Estate Signs. One sign per street frontage may be placed on the offered property and shall be not more than seven square feet in size for residential property. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company posting the sign. Such signs shall be removed within 30 days after sale, rental or lease of the property.
7. Signs in Display Windows (B1, B2, B3 districts). Signs in the display window of a business which relate to services or products offered therein.
8. Subdivision Identification Sign. In residential subdivisions, one sign, limited to a maximum size of twenty square feet per face, and not exceeding two faces per sign. In commercial and industrial subdivisions, one sign limited to a maximum size of fifty square feet per face and not exceeding two faces per sign. Such signs shall compliment the architectural style of the subdivision with regard to their location, design, coloration and materials.
9. Any political message, public election or referenda sign not exceeding eleven square feet in area. The failure to remove such sign at the end of a ten day period following any election or referendum shall constitute a violation of this Ordinance and subject the owner, as well as the owner of the premises on which the sign is displayed, to the penalties provided herein.
10. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.
11. Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.
12. Traffic and parking signs and devices privately owned and on premises, and containing messages such as "exit only," "restricted for ____," and the like, the sole purpose of which is to direct and control traffic and which does not exceed ten feet in height nor contain more than twelve square feet per face.

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13. Signs located on vehicles which are merely incidental to the use of the vehicle such as the name of a business appearing on an automobile or truck.
14. Off-premise banners and signs announcing civic events or non-profit organizations such as but limited to United Way and similar events shall be limited to a maximum signage area of thirty-two square feet. Banners such as those suspended over a street may not exceed sixty square feet in area. Said signs are to be removed within 48 hours of event.
15. On premise temporary and portable signs in B1, B2, B3, I and AI districts. Temporary or portable signs under 100 square feet may be used for a period not to exceed the length of time of the sale or event the sign advertises.

Before a temporary or portable sign over 100 square feet in area is erected in a B1, B2, B3, I or AI district, a sign permit from the Zoning Administrator shall be obtained. Temporary or portable signs over 100 square feet shall not be permitted for a time to exceed thirty days.

16. On premise temporary and portable signs in the R1, R2, R3 and RT districts. Temporary or portable signs under twenty sq. ft. for the purpose of an open house, model home demonstration, special event such as an individual birthday or anniversary, and for five days thereafter, but may not exceed a total period of thirty days.

Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than thirty days before said event and removed with 15 days after the event.

17. On-premises symbols or insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
18. Wisconsin specific information signs as defined in Section (n), Wis. Adm. Code Trans 200.015 and 200.03.

(f) Signs Prohibited. The following signs shall be prohibited within the City of Clintonville:

1. Abandoned signs.
2. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on or nearby property or any other premise. The Zoning Administrator may issue a sign permits for the parking of advertising vehicles for a period not to exceed thirty days per location.
3. Flashing or moving signs. No sign shall be permitted which is animated by means of flashing, blinking, or traveling lights of over 15 watts per lamp and no animated sign may be located with 100 feet of any illuminated traffic control or warning light. Public service information signs and electronic or mechanical message centers are classified as changing signs and are permitted and are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven revolutions per minute. The traditional barber pole is excluded from this speed limitation when displayed outside a barber shop or similar business.

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4. Reflection illuminated signs. Reflection illuminated signs whose light source is positioned so that 25% or more of its light intensity is visible from residential property are prohibited.
 5. Roof signs.
 6. Third party signs, billboards.
 7. Unclassified signs. The following signs are prohibited which:
 - a. Bear or contain statements, words or pictures of obscene, pornographic, immoral character or contain advertising matter which is untruthful.
 - b. Signs which purport to be or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "go slow," "caution," "warning," or similar words that are displayed in the colors normally associated with them as official signs.
 8. Other signs. No person shall erect any sign except as is authorized by this Signage Ordinance or other Ordinance of the City of Clintonville, and then only in accordance with the provisions thereof.
- (g) Setback Requirements. In zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign which is attached to the building shall project no more than four feet over the abutting public sidewalk or established street grade, except in B2, B3, I and AI zones upon issuance of a Conditional Use Permit. Any signs projecting over sidewalks shall have a minimum of seven and one half feet of vertical clearance, greater if possible, with ten feet preferred. A sign which is not attached to the building shall not project over the public sidewalk.
- (h) Maintenance and Removal.
1. Maintenance. All signs and sign structures shall be properly maintained and kept in a neat and proper state of maintenance and appearance. Those signs already erected and displayed on the effective date of this Ordinance, and which would otherwise be classified as legal non-conforming signs, but which are in a state of disrepair in structure, or appearance, will not be accepted as legal non-conforming signs until the problem is corrected or the sign removed. such correction or removal will be accomplished within thirty days after notice is mailed by the Zoning Administrator by registered mail.
 2. Removal. Signs which no longer serve the purpose for which they were intended, or which are not maintained, or which have been abandoned, shall be removed by the owner or the owner of the premises on which the sign is erected after notice by the Zoning Administrator to remove the same. Such owner, or owner of the premises, shall complete the removal with 30 days after notice is mailed by the Zoning Administrator by registered mail. In the event that such sign is not removed within the time herein provided, the Zoning Administrator shall cause the sign to be removed and the cost thereof entered on the tax roll as a special charge against the real estate of the owner or owner of the premises.
- (5) Signs Permitted in R1, R2, R3 and RT Zones. Upon application to and issuance by the Zoning Administrator of a permit, the following signs may be erected and maintained in these districts:

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- (a) Signs shall only be located on a wall or window.
 - (b) One sign for each street frontage of the lot.
 - (c) Illumination or animation of signs is not permitted.
 - (d) Maximum sign area shall be three square feet, except as follows:
 - 1. A legal non-conforming use may have a signage area maximum of twelve square feet.
 - 2. Bed and breakfast signs shall not exceed four square feet in area and shall be affixed to the side of the residential unit facing the street frontage and shall be located no higher than eight feet above the level of the entry.
- (6) B1, B2, I1, I2, IP, and AI Districts. In these districts, no sign shall be permitted, except the following:
- (a) A sign structure having two faces back to back shall constitute a single sign.
 - (b) No part of the sign shall exceed 25 feet in height above grade.
 - (c) Sign surface area.
 - 1. Every building is entitled to signage with a least a minimum of 32 square feet of area if desired.
 - 2. Total sign area allowed per building frontage shall be calculated in the following manner: the total square footage of all signs shall be no more than fifteen percent of that exterior wall on which the sign is to be mounted on or in front of.
 - 3. Maximum 300 square feet of total sign surface area per property in B1, B2, IP, and I districts.
 - (d) For all buildings containing more than one business, all non-facade signs shall be on the same sign structure. The total square footage of all non-facade signs shall be not more than fifteen percent of the exterior wall of the building front utilized as a front entrance. Only those walls in a place parallel to that of the entrance (or addressed) side of the building shall be included in the calculations. On corner lots, signs may be placed on either street side, but total signage shall be calculated as above. Allocation of total aggregate sign area to individual business or tenants is not a function of the Zoning Administrator or the city, but is the responsibility of the owner, landlord and tenant(s).
- (6.1) B1, B2, B3, I1, I2, IP and A1 Districts. In these districts, third party signs shall be allowed subject to the following regulations:
- (a) Size. A third party sign shall not exceed 4 feet by 8 feet in size. All signs, including third party signs, shall be subject to the limitation prohibiting signs from exceeding 15% of the building frontage.
 - (b) Types of Advertisement Allowed. Only those businesses that are listed as permitted uses in the 1 – B3 and I1 and I2 Districts can be advertised on said signs, provided however that a multi-family unit containing 5 or more housing units shall be an allowed business that

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can be advertised on said signs. Only businesses located within the City limits can be advertised on said third party signs.

- (c) Location of Signs. No third party signs can be located on City property, including City right-of-ways.
 - (d) Limitations. All types of signs that are currently in compliance with the City Code may be third party signs. An owner of a business building located within the City limits wishing to display third party signs shall be allowed to have as many signs as the building owner desires as long as the total size of all signs do not exceed 15% of the building frontage. Each business located within the City limits shall have a maximum of 2 signs located on property other than where the business is located.
 - (e) Maintenance. The owners of the sign are responsible for the installation, repair, maintenance and removal of said sign.
 - (f) Miscellaneous. All other sign regulations, including fees and permits shall apply to third party signs.
- (7) Highway Commercial Overlay District B3. Signs shall be regulated as in the underlying district, except if the use is a permitted use under the requirements of the Highway Commercial Overlay District. If it is permitted use, the following regulations apply:
- (a) Permitted signs for off-site advertising or for directing attention to a business, profession, service or entertainment conducted, sold or offered elsewhere than upon the same premise, subject to the following:
 - 1. The total off-site sign surface area shall not be included in calculating the maximum allowed for the property on which the sign is located.
 - 2. Such a sign shall be free standing and shall be of two-sided, back-to-back construction.
 - 3. Such a sign may be illuminated but no flashing, intermittent or moving illumination is permitted.
 - 4. Such a sign may not be located within 100 feet of the boundaries of the overlay district.
 - 5. Such a sign shall not be located within 600 feet of any other off-premise sign on the same side of the street.
 - 6. On a sign structure, all individual signs shall be the same size, with a maximum of twenty feet per individual sign.
 - 7. No structure may contain more than six individual advertising signs.
 - (b) Maximum of 600 square feet of total sign area per property is allowed in the B3 district for businesses which meet the B3 zoning standards, including off-premises signage.
 - (c) No sign shall exceed 35 feet in vertical height, measured from grade to the uppermost part of the sign.

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- (8) Conservancy District "C". In this district no sign shall be permitted except those installed under the direction of the park and Recreation Commission for conservancy and related purposes. Billboards may be permitted in W.A. Olen Park, but shall not be erected in any other park.
- (9) Planned Unit Development District "PUD". Only those signs authorized by the Plan Commission in the specific implementation plan are permitted.
- (10) Rural Transitional District "RT". Intended to provide for the continuance of existing uses while preventing premature development of a nature which will not be compatible with the future needs of the City of Clintonville. Within the context of this signage regulation, that district adjacent to the city, normally but not necessarily rural in nature, which is included in the extra-territorial zoning district. For purposes of signage, RT Districts shall be considered to be residential (R1, R2, R3) until formal rezoning is approved.
- (11) City sponsored Third Party Signs and Billboards may be permitted upon authorization by the City Plan Commission. (Adopted 1-15-98)

17.13 ZONING DISTRICTS AND ZONING DISTRICT MAPS

- (1) Establishment of Zoning Districts. In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established:
 - R1 Single Family Residence District.
 - R2 Single and Two Family Residence District.
 - R3 Multi-Family Residence District.
 - MH Planned Community Mobile Home District.
 - RT Rural Transitional District.
 - B1 Downtown Commercial District.
 - B2 Neighborhood Convenience Retail District.
 - B3 Highway Commercial Overlay District.
 - I1 Industrial District.
 - I2 Industrial District.
 - IP Industrial Park District.
 - AM Airport Municipal.
 - AI Airport Industrial District.
 - C Conservancy District.
 - PUD Planned Unit Development District.
- (2) Zoning District Maps.
 - (a) Incorporation of Zoning District Maps. The location and boundaries of the zoning districts are hereby established as shown on maps entitled "Zoning District Maps" on file in the office of the Zoning Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein.
 - (b) Location of District Boundaries. The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:
 1. Where zoning district boundary lines are indicated as following streets or alleys or extensions thereof, such boundary lines shall be construed to be the center lines of said streets of alleys or extension thereof unless clearly shown to the contrary.

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2. Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.
3. Streets or alleys which are shown on the zoning district maps and which are then vacated, or which in the future are vacated, shall be in the same zoning district as the abutting side to which the vacated land reverts.

17.14 R1 RESIDENTIAL DISTRICT

(1) Permitted Uses.

- (a) Single Family dwellings meeting the provisions of the dwelling design and construction standards of this Code 17.14(4) including conventionally constructed on-site dwellings, manufacturing dwellings and manufactured homes, but not mobile homes.
- (b) Accessory Uses and Structures as regulated in section 17.11(5).
- (c) Group Homes with capacity to accommodate eight or fewer individuals.
- (d) Home Occupations. Any occupation or hobby for gain or support conducted entirely on the premises by resident occupants, which occupation or hobby is customarily incidental to the principal use of premises in the zoning districts R1, R2, and R3 is allowed provided that:
 1. The total area devoted to such home occupations shall not exceed 25% of the floor area of the building involved.
 2. It uses only household equipment. Such equipment shall not create offensive noise, vibration, make dust, odors, heat, glare, pollution, or result in interference of radio or television reception.
 3. The occupation shall not require internal or external alterations, or involve construction features not customary in a building.
 4. No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
 5. That the volume of vehicular or pedestrian traffic or parking does not result in congestion or is in excess of what is normal in a residential neighborhood.

The following are the permitted home occupations, so long as they do not violate the provisions of 1 through 5 above:

1. Dressmaking, sewing, tailoring and millinery.
2. Laundering (but not dry cleaning).
3. Sales of agriculture products limited to the growing season.
4. Printing, sculpturing or writing.
5. Telephone answering service.

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6. Model making and rug weaving.
7. Yard novelties, the display of which is limited to the lessor of 20% of the front yard area or 100 square feet.
8. Crafts.
9. Bicycle repair.
10. Office for a real estate or insurance agent, architect, accountant, clergyman, artist, author, musician, or other professional office.
11. Musical instruction limited to four students simultaneously.
12. Tutoring limited to four students simultaneously.
13. Computer programming.
14. Filing or sharpening of saws.
15. Dog grooming.
16. Antiques - repair or restoration.
17. Gunsmithing.
18. Taxidermy - no studio.
19. Fishing tackle - repair and construction of.
20. Photography - no studio.
21. Babysitting - limited to four children simultaneously.
22. Woodworking, cabinet making.
23. Sale of worms and nightcrawlers.
24. Mail order sales.

The following occupations are prohibited home occupations, even if the previous provisions of 1 through 5 are met:

1. Barbershops and beauty salons.
2. Dental, physician and chiropractic offices.
3. Dance studios.
4. Mortuaries.
5. Nursery schools.

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6. Restaurants.
7. Kennels or stables.
8. Automobile repair and paint shops.
9. Welding shops and machines shops.
10. The assembly by mass production of items of resale other than those listed above is prohibited. Assembly by mass production means the creation or manufacture of items from parts, some of which are interchangeable.

The above-mentioned permitted and prohibited uses are by way of example and not by way of limitation, any proposed home occupation that is neither specifically permitted under prohibited uses shall be considered a Conditional use and subject to those provisions.

All home occupations shall cease when the property is sold or leased.

(2) Conditional Uses.

- (a) Bed and Breakfasts
- (b) Schools
- (c) Churches
- (d) Recreational Facilities
- (e) Rest Homes and Nursing Homes
- (f) Private Clubs
- (g) Utility and Governmental Facility
- (h) Group Homes with Capacity to Accommodate Nine or More Individuals

(3) Dimensional Standards.

- (a) Lot Size.
Width: 75 feet minimum, and
Area: 7,200 square feet minimum.
- (b) Building Height. 35 feet maximum.
- (c) Yard and Setback Requirements.
Street: 25 feet minimum.
Side Street (corner lot): 20 feet minimum.
Side: 6 feet minimum.
Rear: 25 feet minimum.
- (d) Maximum lot coverage: 40%.
- (e) Site restrictions: Industrial/Residential Buffer Area. Wherever Industrial and Residential zoned

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properties are adjacent, there shall be a minimum of a 30 foot setback from the boundary of the two districts for all primary buildings. also, see 17.11.

- (f) Notwithstanding whatever may be provided for in paragraphs (3)(a), (c) and (d), a person may apply for a variance pursuant to Section 17.34. if said person wants to expand or build upon a lot which does not meet the requirements set forth in Subsection 17.14(3)(a), (c) and (d).
- (4) Dwelling Design And Construction Standards. (Adopted 2/97)

Single Family Dwellings as defined and permitted by this Code shall conform to the following:

- (a) The dwelling shall be set on a full basement or other permanent enclosed foundation which meets the standards set forth in subchapters III, IV, and V of Chapter ILHR 21, Adm. Code. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed enclosed foundation system provides proper support for the structure.
- (b) All on-site construction shall be in compliance with all of the following:
 - 1. Chapter ILHR 21, Administrative Code, the Uniform Dwelling Code.
 - 2. Chapter ILHR 81, through 84, Wisconsin Adm. Code, the Plumbing Code.
 - 3. Chapter ILHR 16, Wisconsin Adm. Code, the Electrical Code.
- (c) Shall have a first story minimum gross floor area of at least 1,000 square feet for a one story dwelling and at least 700 square feet for a first floor dwelling if more than one story with a minimum gross floor area total of not less than 1,000 square feet. The dwelling shall be not less than 23 feet in its smallest horizontal dimension, exclusive of any attached garage, carport, or open or enclosed deck.
- (d) The structure shall have a roof pitch with a minimum slope of 3 1/2 on 75% of the structure and eaves extending outward a minimum of 16 inches beyond the nearest vertical wall (excluding dormers and overhangs at gable ends). On homes of 1-1/2 story or more or which have a roof pitch of 7/12 or steeper, this minimum overhang requirement shall be decreased to 12 inches.
- (e) Shall have roofing material of a type customarily found on conventionally constructed dwellings including wood shakes or shingles, asphalt composition shingles, fiberglass composition shingles, but not corrugated metal or corrugated fiberglass.
- (f) Shall have exterior siding of a type customarily found on conventionally constructed dwellings including wood clapboards, simulated clapboards, such as, vinyl, metal or masonite type siding, wood shake or shingles, brick, stone or other masonry type veneer materials, but not smooth, ribbed or corrugated metal or plastic panels except when part of solar collector systems.

The City Plan Commission may grant a Conditional Use Permit upon application and payment of fees for a deviation from the requirements of (d) (e) and (f) if such granting of that Conditional Use will not have an adverse aesthetic or pecuniary impact on the surrounding neighborhood and/or the value of nearby properties.

17.15 R2 RESIDENTIAL DISTRICT

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THE COMMON COUNCIL OF THE CITY OF CLINTONVILLE, WISCONSIN, DO ORDAIN that Chapter 17 Zoning Ordinance Section 17.15, R2, Residential Zoning Districts be amended to include the following:

- (1) Permitted Uses.
 - (a) R1 District Permitted Uses
 - (b) Two-Family Residences
- (2) Conditional Uses.
 - (a) R1 District Conditional Uses
 - (b) Multiple-Family Dwellings not to exceed four (4) dwelling units.
- (3) Dimensional Standards.
 - (a) Lot Size.
 1. Parcels having a single-family residence shall follow R1 district standards.
 2. Parcels with two-family residences:
Width: 80 feet minimum, and
Area: 10,000 square feet.

Remaining standards will be the same as in the R1 district.
 3. Parcels having three to four dwelling units per building:
Width: 120 feet minimum and
Area: 4,000 square feet per dwelling unit.
Add 500 square feet for each bedroom per dwelling unit over two bedrooms.
 - (b) Building Height. 35 feet maximum.
 - (c) Yard and Setback Requirements.
Street: 30 feet minimum.
Side: 10 feet (20 feet if parcel abuts an R1 parcel) minimum.
Street Side (corner lot): 20 feet minimum.
Rear: 25 feet.
 - (d) Maximum Lot Coverage. 40%.
 - (e) Site restrictions: Industrial/Residential Buffer Area. Wherever Industrial and Residential zoned properties are adjacent, there shall be a minimum of a 30 foot setback from the boundary of the two districts for all primary buildings. also, see 17.11.
- (4) A landscaping plan shall be submitted for review to the Plan Commission for multi-family dwellings before a conditional use is granted.

17.16 R3 MULTI-FAMILY DISTRICT

- (1) Permitted Uses.

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- (a) R2 District permitted uses.
 - (b) Multiple family dwellings not exceeding three (3) stories, nor forty (40) feet in height.
 - (c) Group homes with capacity to accommodate fifteen (15) or fewer individuals.
- (2) Conditional Uses.
- (a) Building Height Over Three Stories. In reviewing plans for buildings in excess of three (3) stories, the following shall be considered:
 - 1. The predominant building type which exists within three hundred (300) feet of the proposed structure.
 - 2. The future building types in the area based upon existing structural conditions and proposed land use.
 - 3. The usable open space and recreational opportunities.
 - 4. The type of parking accommodations, if provided.
 - 5. The traffic generation anticipated.
 - 6. The relationship of the building to topography of the area.
 - 7. The safety and security designed into the building and size.
 - 8. The architecture of the building's exterior.
 - 9. The interference with significant views.
 - 10. The extent to which usable open space, both private and public, is shadowed by the building.
 - (b) Any conditional use listed in the R2 district.
- (3) Dimensional Standards.
- (a) Parcels having single family residences shall follow R1 standards.
 - (b) Parcels having two family residences shall follow R2 standards.
 - (c) Multi-Family dwelling requirements:
 - Width: 60 feet minimum
 - Land area (amended 8-17-91)
 - 500 square feet per efficiency unit
 - 750 square feet per one bedroom unit
 - 900 square feet per two bedroom unit
 - Add 250 square feet per unit for each additional bedroom
 - Building Height: 40 feet maximum, unless approved as a conditional use.
 - Street: 25 feet minimum.
 - Rear: 20 feet minimum.

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Side Street (corner lot): 20 feet minimum.
Side: 10 feet minimum.

- (d) Maximum Lot Coverage: 40%.
Open Space: Minimum of 200 square feet of usable open space per dwelling
Site Restrictions: See 17.11.
- (e) Site restrictions: Industrial/Residential Buffer Area. Whenever Industrial and Residential zoned properties are adjacent, there shall be a minimum of a 30 foot setback from the boundary of the two districts for all primary buildings. also, see 17.11.

17.17 MH PLANNED COMMUNITY MOBILE HOME PARK DISTRICT

The planned community mobile home park district is established to encourage and promote improved environmental design in the City of Clintonville by allowing for greater freedom, imagination and flexibility in the establishment and development of mobile home parks, while insuring substantial compliance with the basic intent of the zoning code and the Community Development Plan.

- (1) Permitted Uses. The following uses are permitted in the planned community mobile home park district, provided that no use shall be permitted except in conformity with a specific and precise development plan subject to the procedural and regulatory provisions.
 - (a) Mobile Home Park.
 - 1. The total area of the park shall exceed 15 acres.
 - 2. Density: Not more than six (6) mobile home sites per acre.
 - 3. Area: 4,000 square feet per unit minimum.
 - 4. Yard requirements and setbacks:
Street: 20 feet minimum or 5 feet minimum if vehicular access is from an alley or the rear of the lot.
 - 5. Site restrictions: See 17.11.
 - (b) Any accessory use shall be approved in the development plan.
- (2) Lot Coverage. A mobile home shall not occupy an area in excess of one-third of its respective lot area. The total occupied by a mobile home and its accessory buildings shall not exceed 66% of the lot area. mobile homes shall be separated from each other a minimum of 20 feet. Zero lot line development shall be considered as long as the minimum separation of units is maintained
- (3) Parking. Two off-street spaces per unit.
- (4) Open Space. A minimum of 250 square feet of usable open space per mobile home within the mobile home park.
- (5) Buffer Zone. Any mobile home park shall have a minimum of 120 feet of landscaped buffer surrounding the entire mobile home park. The landscaping plan must have the approval of the Plan Commission.

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- (6) Existing mobile home parks or subdivisions, in accordance with City Ordinance 12.11, shall continue to operate under the regulations that were in effect prior to the adoption of this Ordinance.

Any use accessory to a mobile home park is either permitted by right or as a conditional grant subject to the criteria established in section 17.11(5) of this chapter, and such requirements as are made a part of an approved, recorded, precise development plan which shall be enforced as part of this code.

- (7) Regulations for a Development Plan. The provisions of section 17.28 establishing a planned unit development shall apply to a planned community mobile home park district as created here, unless the context thereof clearly requires otherwise. In the event of a conflict between the provisions of section 17.28 and this subsection, the provision of this subsection shall apply.

17.18 RT RURAL TRANSITIONAL DISTRICT

The RT Rural Transitional District is intended to provide for the continuance of existing uses while preventing premature development of a nature which will not be compatible with the future needs of the City of Clintonville.

- (1) Permitted Uses.
 - (a) Existing uses at the time the property is zoned RT.
- (2) Conditional Uses.
 - (a) Land division.
 - (b) Construction of primary or accessory structures.
- (3) Dimensional Standards.

Parcel size: 5 acre minimum.
Lot width: 200 feet minimum.
Front setback: 50 feet minimum.
Side setback: 50 feet minimum.
Rear setbacks: 30 feet minimum.
Building height: 35 feet maximum for non-agricultural uses; no limitation for agricultural buildings, either primary or accessory.
Water setback: See 17.11(6)

17.19 B1 DOWNTOWN BUSINESS DISTRICT

Permitted and Conditional Uses for B1 district are referenced to the Standard Industrial Classification (SIC) Manual (1987). When a SIC number is given, the reader should refer to the SIC manual for a complete description of the use.

The B1 Business District is intended to provide for the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the City.

- (1) Permitted Uses.

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- (a) Travel Agencies, 4724-4729
 - (b) Radio & Cable Broadcasting, 4832,4841
 - (c) Hardware stores, 5251
 - (d) General merchandise stores, 5311-5399
 - (e) Food stores, 5411-5499
 - (f) Auto Supply stores, 5531
 - (g) Apparel and accessory stores, 5611-5699
 - (h) Furniture, home furnishings and equipment stores, 5712-5736
 - (i) Eating and drinking places, 5812-5813
 - (j) Miscellaneous retail, 5912-5953 and 5992-5999
 - (k) Banking, 6011-6062
 - (l) Credit agencies other than banks, 6111-6163
 - (m) Professional offices.
 - (n) Insurance agents, 6411
 - (o) Real estate agents, managers, 6531
 - (p) Personal services, 7211-7299
 - (q) Business services, 7311-7399
 - (r) Miscellaneous repair services, 7622-7641
 - (s) Video tape rental, 7841
 - (t) Amusement and recreation services, 7911, 7932, 7933, 7979, 7991, 7993
 - (u) Health services, 8011-8059
 - (v) Legal services, 8111
 - (w) Social services, 8322-8399
 - (x) Museums, art galleries, botanical and zoological gardens, 8412-8422
 - (y) Membership organizations, 8611-8699
 - (z) Engineering, survey, accounting, 8711-8721
 - (aa) Miscellaneous services, 8811-8999
 - (ab) Accessory Uses and structures as regulated in section 17.11(5)
 - (ac) Lawn and Garden Supply and Repair, 0782, 7699, 3524
- (2) Conditional Uses.
- (a) Veterinary services, 742-742
 - (b) Plumbing, heating, contractors, 1711-1721, 1731, 1742, 1793
 - (c) Roofing, siding, and sheet metal, 1761
 - (d) Automotive dealers and gasoline service stations, 5511-5521, 5541-5599
 - (e) Hotels, motels, rooming, boarding houses, and bed and breakfasts.
 - (f) Automotive repair, services, and garages, 7513-7549
 - (g) Miscellaneous repair services, 7692-7699
 - (h) Amusement and recreation services, 7999
 - (i) Government offices
 - (j) Nursing and personal care-hospital, 8051-8099
 - (k) Religious organizations, 8661
 - (l) Schools, parking lots, utility buildings
 - (m) R3 District Permitted Uses, subject to the following limitations:
 - 1. One and two family dwellings shall only be permitted in structures which were in existence upon the date of adoption of this ordinance.
 - 2. Multi-family uses shall meet the dimensional requirements of the R3 district.
 - 3. Residential uses shall not materially conflict with adjacent commercial uses or alter

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the general commercial character of the B1 District.

4. Applications for residential uses shall include a site plan containing a description of the parcel, existing and proposed landscaping, and other information as may be required by the Zoning Administrator.

- (3) Dimensional Standards:

Lot area and width: No minimum square footage or width requirements.
Building height: 45 feet maximum
Front setback: no minimum
Side yard: no minimum
Rear yard: no minimum
Site restrictions 17.11

- (4) Site restrictions 17.11
Loading and unloading requirements 17.11(10)
Parking requirements 17.11(11)

17.19(A) GF-GOVERNMENT FACILITIES

The GF District is intended to provide areas for government structures and services.

- (1) Permitted Uses.
 - (a) Government Offices
 - (b) Schools
 - (c) Recreation and Community Centers
 - (d) Libraries
 - (e) Municipal Utility Facilities
 - (f) Municipal Garages
 - (g) Parking Lots and Parking Structures
 - (h) Other Government Purposes
- (2) Conditional Uses (none)
- (3) Dimensional Standards.
 - (a) Setbacks and yards
Front setback: 10 feet
Side setback: 10 feet from adjacent property or curb
Rear setback: 10 feet

17.20 B2 NEIGHBORHOOD CONVENIENCE RETAIL DISTRICT

Permitted and Conditional Uses for B2 district are referenced to the Standard Industrial Classification (SIC) Manual (1987). When a SIC number is given, the reader should refer to the SIC manual for a complete description of the use.

The B2 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

- (1) Permitted Uses.
 - (a) Public warehousing and storage, 4221-4226

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- (b) Wholesale trade-durable goods, 5012-5043, 5063-5088, 5094-5099
 - (c) Wholesale trade-nondurable goods, 5111-5149, 5181-5199
 - (d) Building materials, hardware, garden supply, and mobile home dealers, 5211-5271
 - (e) General merchandise stores, 5311-5399
 - (f) Food stores, 5411-5499
 - (g) Auto and home supply stores, 5531, 5551
 - (h) Apparel and accessory stores, 5611-5699
 - (i) Furniture, home furnishings and equipment stores, 5712-5736
 - (j) Eating and drinking places, 5812-5813
 - (k) Miscellaneous retail, 5912-5999
 - (l) Banking, 6011-6062
 - (m) Credit agencies other than banks, 6111-6163
 - (n) Security and commodity brokers, dealers, exchanges and services, 6211-6289
 - (o) Professional offices
 - (p) Personal services, 7211-7299
 - (q) Business services, 7311-7399
 - (r) Miscellaneous repair services, 7622-7641
 - (s) Bowling centers, 7933
 - (t) Health services, 8011-8099
 - (u) Legal services, 8111
 - (v) Social services, 8322-8399
 - (w) Miscellaneous services, 8911-8999
 - (x) Accessory uses and structures as regulated in 17.11(5)
- (2) Conditional Uses.
- (a) Automotive dealers and gasoline service stations, 5511, 5521, 5541, 5561-5599
 - (b) Hotels, rooming houses and other lodging places, 7011-7021
 - (c) Laundry, cleaning services, 7211-7219
 - (d) Automotive repair, services and garages, 7513-7549
 - (e) Religious organizations, 8661
 - (f) Parking lots
 - (g) Government and cultural uses (Adopted 4-9-96)
- (3) Dimensional Standards.
- (a) Lot width. Neighborhood business shopping centers or districts shall not be less than 200 feet in width.
 - (b) Individual business sites in the B2 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 - (c) Building height. 35 feet maximum.
 - (d) Setbacks and yards.
 - Front setback: 50 feet
 - Side setback: 20 feet
 - Rear setback: 25 feet
 - Side street (corner lot): 25 feet
- There must be a 20 foot opening to the street for every 150 linear front feet of commercial building (which may be composed of several businesses directly adjacent to each other).

- (4) Site restrictions 17.11
 - Loading and unloading requirements 17.11(10)
 - Parking requirements 17.11(11)

17.21 B3 HIGHWAY COMMERCIAL OVERLAY DISTRICT

The B3 Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

The B3 district shall overlay parcels which are adjacent to United States Highway (USH) 45 and are within the City limits.

The regulations involving this overlay district shall apply to all new construction and changes in existing use on parcels within this district. The underlying zoning regulations shall apply to the parcel until that parcel is developed or its existing primary use is changed.

- (1) Permitted Uses.
 - (a) Gasoline service stations (including those with retail sales) provided that all service islands and pumps shall meet setback requirements.
 - (b) Motels and motor hotels.
 - (c) Building supply stores.
 - (d) Automotive sales and service; car wash.
 - (e) Retail sales.
 - (f) Restaurants, including fast food restaurants.
 - (g) Plant nurseries.
 - (h) Personal service establishments, including barbershops and beauty shops; business and professional service establishments, including accountants, attorneys, healthcare professionals, insurance offices and the like; financial institutions except drive-in facilities; healthcare clinics; public and private institutional uses, including offices.
 - (i) Accessory uses and structures as regulated in section 17.11(5).
- (2) Conditional Uses.
 - (a) Drive-in theaters
 - (b) Wholesale trade
 - (c) Driving ranges
 - (d) Funeral homes
 - (e) Utility substations
 - (f) Governmental and cultural uses
 - (g) Religious organizations
 - (h) Parking lots
- (3) Dimensional Standards.
 - (a) Lot area and width.
 - Area: 10,000 square feet minimum, and
 - Width: 75 feet minimum.
 - (b) Building height: 35 feet maximum.
 - (c) Setback and yards.
 - Front setback: 40 feet minimum

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Side setback: 15 feet minimum
Side street (corner lot): 20 feet minimum
Rear setback: 25 feet minimum

- (4) Site restrictions 17.11
Loading and unloading requirements 17.11(10)
Parking requirements 17.11(11)
- (5) Site Plan. A site plan detailing layout of all structures, driveways, landscaping and signage shall be submitted to and approved by the Zoning Administrator before a building permit is issued for every permitted and conditional use. The applicant may appeal any decision by the Zoning Administrator to the Plan Commission.

17.22 I-1 INDUSTRIAL DISTRICT

Permitted and Conditional Uses for I district are referenced to the Standard Industrial Classification (SIC) Manual (1987). when a SIC number is given, the reader should refer to the SIC manual for a complete description of the use.

This district accommodates areas that are predominantly industrial in character. In the Clintonville context, industrial includes light manufacturing, transportation and wholesaling operations, and a limited number of retail and service establishments. Within the community of Clintonville, there are several high quality industrial areas having transportation and other services that are geared to industrial usages. As a general rule, these areas should be reserved for industrial and related uses.

- (1) Permitted and Conditional Uses. In this district, permitted uses are expressed in Standard Industrial Classifications (SIC) categories. The initial determination of whether a particular use or a portion of a particular use fits within a particular category as described below is to be made by the Zoning Administrator. Persons objecting to this initial determination may appeal the determination to the Plan Commission.

A use or operation within this district may have several segments or components. Some of these segments may be classified as Permitted Use segments and others as Conditional Use segments. Where this is the case, Conditional use approval shall be required and shall extend only to the portion of the operation that requires Conditional Use approval. The affidavit should state that Conditional Use approval is required at any point after initial construction and occupancy on a site when the use or operation changes so as to bring it within the scope of section 17.31.

- (2) Permitted Uses.
 - (a) Canned, frozen and preserved fruits, vegetables and food specialties, 2032-2038; bakery products, 2051-2038; beverages, 2082-2087; miscellaneous food preparations and kindred products, 2091-2099.
 - (b) Apparel and other finished products made from fabrics and similar materials, 23211-2369, 2391-2399.
 - (c) Millwork, veneer, plywood and structural wood members, 2431-2499.
 - (d) Furniture and fixtures, 2511-2599.
 - (e) Converted paper and paperback products, 2671-2679.
 - (f) Printing, publishing and allied industries, 2711-2796.
 - (g) Boot and shoe, cut stock and findings, 3131-3199.

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- (h) Fabricated metal products, 3411-3479, 3491, 3499.
 - (i) Farm and garden machinery and equipment, 3523-3524.
 - (j) Construction, mining and materials handling equipment, 3541-3549.
 - (k) Metal working, machinery and equipment, 3541-3549.
 - (l) Household appliances, 3631, 3639.
 - (m) Electric lighting and wiring equipment, 3641-3648;
Communications and electrical, 3651-3699.
 - (n) Transportation equipment, 3711-3751, 3792-3799.
 - (o) Measuring, analyzing, and controlling instruments, photographic, medical and optical goods, watches and clocks, 3812-3873.
 - (p) Miscellaneous manufacturing industries, 3911-3995.
 - (q) Local passenger transportation, 4119.
 - (r) Public warehousing and storage, 4221-4226.
 - (s) Communications 4812-4813, 4832, 4899.
 - (t) Wholesale trade - durable goods, 5012-5092, 5094, 5099.
 - (u) Wholesale trade - nondurable goods, 5111-5149.
 - (v) Beer, wine and distilled alcoholic beverages, 5181, 5182.
 - (w) Equipment rental and leasing, 7359; Repair shops and related services, 7699.
 - (x) Lumber and other building material, 5211-5271.
 - (y) Accessory uses and structures and regulated in 17.11(5).
 - (z) Business Associations & "Professional Offices" SIC Code #8611.
- (3) Conditional Uses.
- (a) Food and kindred products, 2011-2015; Grain mill products, 2041-2048, 2077-2079.
 - (b) Textile mill products, 2211-2299.
 - (c) Apparel and other finished products made from fabrics and similar materials, 2371-2389.
 - (d) Lumber and wood products, except furniture, 2411-2429.
 - (e) Paper and allied products,
 - (f) Chemicals and allied products, 2812; Gum and wood chemicals, 2861; Fertilizers, mixing only, 2875.

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- (g) Petroleum refining and related industries, 2911-2999.
 - (h) Rubber and miscellaneous plastic products, 3011-3079.
 - (i) Leather tanning and finishing, 3111.
 - (j) Stone, glass and concrete products, 3211-3291, 3293-3299.
 - (k) Primary metal industries, 3312-3325.
 - (l) Ordinance and accessories, 3482-3498.
 - (m) Machinery except electrical, 3511-3519.
 - (n) Electrical and electronic machinery, equipment and supplies, 3612-3629, 3691, 3692.
 - (o) Transportation equipment, 3761-3769.
 - (p) Miscellaneous manufacturing, 3996, 3999.
 - (q) Local passenger transportation, not elsewhere classified establishments primarily engaged in furnishing miscellaneous passenger transportation, where such operations are principally within a municipality, contiguous municipalities, or a municipality and its suburban areas.
 - (q) Trucking and courier service, 4212-4221, 4231.
 - (r) Natural gas transmission, 4923.
 - (s) Chemicals and allied products, 5162-5169.
 - (t) Liquified petroleum (gas) dealer, 5984.
 - (u) Automotive repair shops, 7536-7539.
 - (v) Farm supplies, 5191, 5198.
 - (w) Fuel dealers, 5983, 5989.
 - (x) Governmental and cultural uses.
- (4) Dimensional Standards.
Lot area: 20,000 square feet minimum.
Width: 100 feet minimum.
Front yard setback: 30 feet minimum.
Side yard setback: 10 feet minimum.
Side street setback: 20 feet minimum.
Rear setback: 30 feet minimum.
Building height: 35 feet maximum on a permitted use basis; above 35 feet on a conditional use basis.
Lot area coverage: 70% maximum.
- (5) Site restrictions 17.11.

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Loading and unloading requirements 17.11(10).

Parking requirements 17.11(11).

- (6) The site must provide 32-foot wide vehicular access to one side and the rear of the building unless the rear yard abuts a public street or alley.
- (7) Industrial/Residential Buffer Area. Wherever Industrial and Residential zoned properties are adjacent, there shall be a minimum of a 30-foot setback from the boundary of the two districts for all primary buildings.

17.23 I-2 INTENSIVE INDUSTRIAL DISTRICT

This district is intended to provide for uses which are not compatible with adjacent Commercial and Residential neighborhoods and are Industrial in characteristic.

- (1) Permitted uses - none.
- (2) Conditional uses - All uses cited as a Permitted or Conditional in the I-1 Industrial District and in addition the following Conditional Use - Salvage, Junkyards, recycling and Scrap Yards subject to the following conditions:
 - (a) They shall be located not less than 100 feet from any public right of way and 300 feet from any existing residential and commercial structures and shall have a minimum side and rear yard of 100 feet each for the principle structure.
 - (b) All material not stored within a building must be enclosed by a solid fence. Such fence:
 - 1. Shall be constructed of sheet metal, masonry or equal material not less than No. 24 gauge, the material being not less than 85 percent of its original condition with its supporting posts and beams on the inside so as not to be viewed from beyond the property. Fence material along the front and corner yards may be of other materials if decorative and approved by the Plan Commission.
 - 2. Shall be not less than six feet in height, but not higher than ten feet, and be of uniform height and material.

For fire protection, an unobstructed firebreak shall be maintained 20 feet in width and completely surrounding the inside of the yard.
 - 3. Shall be kept in good state of repair and free of rust, and be painted and/or maintained in a uniform color.
 - (c) If a yard is located within 500 feet of the ordinary high water mark of a navigable pond or flowage or an area designated as a wetland, an environmental study shall be completed by the landowner and approved by the Plan Commissions before a building permit is issued.
 - (d) A junk dealer's license is required in reference to City Ordinance 12.09 and a motor vehicle salvage dealer's license per Chapter 136, Department of Transportation.
 - (e) The Plan Commission may place additional conditions and restrictions upon the establishment, location, construction, maintenance and operation of the proposed use as it deems necessary.
- (3) Dimensional standards
 - (a) Lot area - minimum two acres

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- (b) Building height - subject to Height Limitations Map, Clintonville Municipal Airport.
- (c) Setbacks and yards:
 - Front setback: 50 feet minimum
 - Side setback
 - Front setback: 50 feet minimum
 - Side setback: 30 feet minimum
 - Rear setback: 30 feet minimum
 - Lot area coverage: 60% maximum
- (4) Site restrictions:
 - Parking: see 17.11(11)
 - Loading and unloading: see 17.11(10)
- (5) The site must provide 32 feet vehicular access to one side and the rear of the building unless the rear yard abuts a public street or alley.
- (6) Industrial/Residential Buffer Areas. Wherever Industrial and Residential zones properties are adjacent, there shall be a minimum of 30 feet setback from the boundary of the two districts from all primary buildings.

17.24 IP - INDUSTRIAL PARK DISTRICT

Zoning District #1

- (1) Permitted Uses
 - (a) Manufacturing, assembly, compounding, processing or packaging of goods, materials, and products.
 - (b) Research, laboratory and testing facilities.
 - (c) Wholesaling and distribution.
 - (d) Printing, publishing and engraving.
 - (c) Accessory uses and structures in accordance with setbacks, yards.
- (2) Conditional Uses
 - (a) Public utility buildings and structures including permission for alteration of height and area regulations as necessary and practical for the erection of such buildings and structures.
 - (b) Retail, finance, insurance, real estate, office and other services incidental and complementary to local industry.
 - (c) Governmental and cultural uses. (Adopted 11-12-96)
 - (d) Adult Entertainment Businesses
- (3) Prohibited Uses
 - (a) Fuel storage and refining.

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- (b) Abattoirs, stock yards, tanneries, fertilizer, manufacture, and garbage, rubbish, offal, dead animal reduction or dumping.
- (c) Saw and grist mills.
- (d) Contractor storage yard.
- (e) Residential uses.
- (f) Explosives manufacture and storage.
- (g) Junkyards.
- (h) Glue manufacturer.
- (i) Cement, lime or gypsum, and related manufacturing.
- (j) Acid manufacture.
- (k) Smelting, quarrying, and related activities.
- (l) Mining, quarrying, and related activities.

Zoning District #2

(1) Permitted Uses

- (a) Manufacture, assembly, compounding, processing or packaging of goods, materials and products.
- (b) Research, laboratory and testing facilities.
- (c) Warehousing, storage and distribution.
- (d) Transportation and trucking facilities or terminals and enclosed repair facilities.
- (e) Accessory uses and structures in accordance with setbacks, yards.

(2) Conditional Uses

- (a) Public utility buildings and structures, including permission for alteration of height and area regulations as necessary and practical for the erection of such buildings and structures.

- (b) Contractor storage yards.

(3) Prohibited Uses

- (a) Fuel storage and refining.
- (b) Abattoirs, stock yards, tanneries, fertilizer manufacture, and garbage, rubbish, offal, deal animal reduction, or dumping.
- (c) Saw and grist mills.

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- (d) Residential uses.
 - (e) Explosives manufacture and storage.
 - (f) Junkyards.
 - (g) Glue manufacture.
 - (h) Cement, lime or gypsum and related manufacturing.
 - (i) Acid manufacture.
 - (j) Smelting of ferrous or non-ferrous metals.
 - (k) Mining, quarrying, and related activities.
- (4) Dimensional standards
- (a) Lot area - minimum one acre.
 - (b) Building height - maximum 40 feet.
 - (c) Setback and yards:
 - Front setback - 30 feet minimum
 - Side setback - 20 feet minimum
 - Side street setback - 20 feet minimum
 - Rear setback - 20 feet minimum
 - Parking area setback - 10 feet
 - Maximum lot coverage - 60% for all buildings
- Exception: Public utility transformers and equipment shall be except from these requirements provided there is no obstruction to reasonable vision clearance for driveways and intersections.
- (5) Site plan approval
- Prior to construction and building, parking area, storage area, driveway, grading, drainage, or any other new or additional improvements to the site, a site plan shall be submitted to the City Plan Commission. However, after initial site plan approval, minor changes in established landscaping, parking area, accessory uses and structures, and driveways may be approved by the Zoning Administrator.
- Building Fronts.** Fronts of buildings shall be required to be improved with decorative masonry, glass, metal panels, etc. The "front" of the building shall be determined by the Plan Commission and be based, in part, on the location of the primary entrance into the site.
- Landscaping.** A minimum of 5% of the area of the site shall be put into landscaping, including: grass, shrubs, trees or other suitable and decorative materials. Landscaping shall be completed within one year of occupancy.
- On-site Utilities.** On-site utilities including gas, electric, telephone and cable TV lines shall be placed underground.
- (6) Parking spaces required. There shall be provided off-street parking spaces in accordance with the following

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requirements:

- (a) Two (2) parking spaces per three (3) employees on the maximum working shift, or a minimum of one (1) parking space per 4,000 square feet of building size, whichever is greater. The minimum parking space dimensions shall be 9 feet by 18 feet.
- (b) In addition, one (1) parking space for all trucks or vehicles stored or kept on the property shall be provided.
- (c) Adequate parking for visitors, customers and other vehicles shall also be provided since on-street parking is prohibited.
- (d) Paving required. All parking area shall be paved with either asphalt or concrete surfacing. "Oil and chip" and gravel surfacing shall be prohibited. Paving of all lots shall be completed within 18 months of occupancy.
- (7) Loading and unloading areas (see 17.11). All loading areas shall be entirely contained onsite and behind the property line. no vehicle shall be allowed to protrude beyond the property line while loading or unloading.
- (8) Refuse and other storage. All outside refuse and other storage areas shall be screened from the view of the street and surrounding properties by permanent fencing or landscaping. All outside refuse and other storage shall be prohibited in front yards and shall be maintained in a reasonably dust-free condition.
- (9) Bulk fuel. All above ground storage of fuels shall be kept screened from view and securely locked.
- (10) Signs-Identification signs. All owners are permitted two (2) wall signs per occupancy, and one (1) free standing sign unit, which may identify more than one occupancy in accordance with the Sign Ordinance, 17.12(6). Signs shall generally include only an identification of the firm, its logo, and a brief description of its products. An additional retail outlet identification sign is also permitted.
 - (a) Directional signs. Directional signs as are necessary shall be permitted in addition to allowed identification signs for such purposes as "in", "out", "visitor parking", "employee parking", "deliveries", etc.
 - (b) Prohibited signs. Billboards, roof signs, flashing signs, and signs painted on the walls of buildings shall be prohibited.
 - (c) Design and construction standards. All signs erected shall be professionally designed and of standard manufacture and shall comply with the size limitations of the City of Clintonville Sign Regulations.
- (11) Nuisances. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites or adjoining areas such as, but not limited to, noise, vibrations, electromechanical and electromagnetic disturbances and radiation, air and water contaminants and radiation, dust, smoke, odor, toxic or obnoxious emissions, radioactive liquid or solid waste, glare and heat, and fire hazards.
- (12) Maintenance regulations. All property shall be planted, paved or otherwise improved, including buffer yard areas, street rights-of-way, etc., and keep in good, well groomed fashion. All grass shall be mowed regularly.

17.25 AI-AIRPORT INDUSTRIAL DISTRICT

Area reserved for Industrial expansion on the Municipal Airport.

- (1) Permitted Uses. None, except Municipal services consistent with FAA regulations outlines in June 11, 1970, letter.

- (2) Conditional Uses. All uses cited as a permitted or a conditional use in the I-1 and I-2 Industrial Districts and which conform to Chapter 21 of the Municipal Code, when applicable.
- (3) Dimensional Standards.
 Lot area: 20,000 square feet minimum, and
 Width: 100 feet minimum.
 Front yard setback: 10 feet minimum.
 Side yard setback: 10 feet minimum.
 Side street setback: 20 feet minimum.
 Rear setback: 30 feet minimum.
 Building height: 35 feet maximum on a permitted use basis; above 35 feet on a conditional use basis.
 Lot area coverage: 70% maximum.
- (4) Site restrictions, See section 17.11.
 Loading and unloading requirements 17.11(10).
 Parking requirements 17.11(11).
 Height Limitations Map - Municipal Airport.
- (6) The site must provide 32 ft. wide vehicular access to one side and the rear of the building unless the rear yard abuts a public street or alley.

17.26 AM-AIRPORT MUNICIPAL

It is recognized that the municipal airport is necessary for some aviation-type activities such as air freight terminals, wholesale distributor, aerial survey companies, etc.

- (1) Permitted uses. Any use permitted and approved by the Airport Commission consistent with FAA regulations outlines in June 11, 1970, letter, and which conforms to Section 21 of the Municipal Code, when applicable.
- (2) Conditional uses. All uses cited as permitted and conditional use in the I-1 and I-2 Industrial Districts after approval by the Airport Commission and Plan Commission.
- (3) Dimensional standards. None.

17.27 C CONSERVANCY

The intent of the Conservancy District is designed to preserve and perpetuate in an open state important environmental areas.

- (1) Permitted Uses.
 - (a) Public and private parks and recreation areas, open space areas, outdoor recreation areas, historic, natural and scientific areas, game refuges, fish and wildlife habitat, improvement projects, game farms; wildlife preserves, beaches, boat launching ramps and the like provided that:
 - 1. Any private occupancy or development allowed under this paragraph shall be exclusively for the permitted conservancy purposes.
 - 2. Any removal of vegetative material on public lands is done with specific Park, Recreation and Forestry Commission approval and is done for the reasons of public safety, habitat improvement, as a necessary means to build trails or other allowed usages.

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- (b) Construction and maintenance of fences, walkways, dams, spillways, and drainage structures.
- (2) Conditional Uses.
 - (a) Public recreation facilities.
 - (b) Construction and maintenance of electric and other utility transmission lines and related facilities where such lines cannot be located outside the conservancy district, provided that land alterations are minimized and provided that conditional use review shall address above ground or under ground construction.
 - (c) Construction, maintenance, repair, replacement or reconstruction of roads and bridges necessary for provision of essential utility and emergency services, or necessary to provide access to uses permitted in this district provided that the road cannot be located outside the district, provided that land alterations are minimized, and provided that disturbed sites are restored.
 - (d) In judging the necessity of locating facilities within the conservancy district, the Plan Commission shall weigh costs to the public of rerouting a facility against costs to the public and public resources of disturbing conservancy lands and shall approve locations within the district only if public costs of an alternative route are significantly greater than the disturbance costs.

17.28 PUD PLANNED UNIT DEVELOPMENT DISTRICT

The PUD is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Clintonville by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning.

- (1) Permitted Uses. Other than the existing use, no use shall be permitted in the PUD except in conformity with a specific and precise development plan developed according to this section.
- (2) Dimensional Standards. In the PUD there shall be no predetermined specific lot area, lot width, height, yard, usable open space, sign and off-street parking requirements, but such requirement as are made a part of an approved recorded precise development plan agreed upon by the owner and the City shall be, along with the recorded plan itself, construed to be and enforced as a part of this Ordinance.
- (3) Criteria for Approval. As a basis for determining the acceptability of a PUD application the following shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design.
 - (a) Character and Intensity of Land Use. In a PUD the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - 1. Are compatible with the physical nature of the site or area.
 - 2. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
 - 3. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.

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4. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
- (b) Economic Impact. PUD shall not adversely affect the economic prosperity of the City or of surrounding properties.
- (c) Preservation and Maintenance of Open Space. In a PUD adequate provision for the improvement and continuing preservation and maintenance open space shall be made.
- (d) Implementation Schedule. A PUD shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
- (4) Procedure. The procedure for rezoning to a PUD shall be as required for any other zoning district change in this chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan, and shall be subject to the following additional requirements.
 - (a) General Development Plan. The proponents shall file the following with the Plan Commission:
 1. A statement describing the general character of the intended development.
 2. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
 3. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in section 17.28(3).
 4. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
 - (b) Referral and Hearing.
 1. Within sixty (60) days after completion of the filing of the petition for approval of a general development plan, the Plan Commission shall forward the petition to the Common Council with recommendations that the plan is to be approved as submitted, approved with modifications or disapproved.
 2. Upon receipt of the recommendations the Council shall determine whether or not to initiate a proposed zoning change to established the proposed PUD and to schedule the required public hearing. If the Council fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the City clerk as provided by law.
 3. Approval of the zoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. If the general development plan and specific implementation are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the

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Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific implementation plan approval. General development plans approved prior to the effective date of this Ordinance shall have the longer of either twelve (12) months from the date of approval by the Common Council or six (6) months from the effective date of this Ordinance to complete recording in the Waupaca County Register of Deeds Office or they shall become null and void.

- (c) **Specific Implementation Plan.** The specific implementation plan shall be submitted to the City Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules except when specific documents are waived by such Commission:
1. An accurate map of the area covered by the plan including the relationship to the total general development plan.
 2. The pattern of public and private roads, driveways, walkways and parking facilities.
 3. Detailed lot layout and subdivision plat where required.
 4. The arrangement of building groups, other than single-family residences, and their architectural character.
 5. Sanitary sewer and water mains.
 6. Grading plan and storm drainage system.
 7. The location and treatment of open space areas and recreational or other special amenities.
 8. The location and description of any areas to be dedicated to the public.
 9. Landscape plan and plan list.
 10. Proof of financing capability.
 11. Analysis of economic impact upon the community.
 12. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
 13. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- (d) **Approval of the Specific Implementation Plan.**
1. Following a review of the specific implementation plan, the City Plan Commission shall recommend to the Council that it be approved as submitted, approved with modifications or disapproved.
 2. Upon receipt of the City Plan Commission recommendation, the Council may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back with specific objections to such Commission for further negotiation with the developer.
 3. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City offered or required with regard to project value, character and other factors pertinent to an

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assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within twelve (12) months of the date of approval by the Common Council in the Waupaca County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit. If the specific implementation plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific implementation plan approval. Specific implementation plans approved prior to the effective date of this Ordinance shall have the longer of either twelve (12) months from the date of approval by the Common Council or six (6) months from the effective date of this Ordinance to complete recording in the Waupaca County Register of Deeds Office or they shall become null and void.

4. Any subsequent change or addition to the plan or use shall first be submitted for approval to the City Plan Commission and if, in the opinion of such Commission, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in section 17.28(4)(c) shall be required.

- (e) Recording of Approved General or Specific Implementation Plan and Zoning Ordinance Amendments. Whenever the Common Council adopts a zoning ordinance amendment designated a tract of land as a Planned Community Development, the owner of such development shall, to avoid the approval becoming

null and void, provide the Zoning Administrator, within twelve (12) months of the date of approve by the Common Council, a facsimile copy of the approved General or Specific Development Plan together with a certified copy of the relating zoning ordinance amendment and nay other action taken thereon by the Common Council. The cost of preparing a facsimile copy of the Plan in recordable form and the recording fee, as determined by the Waupaca County Register of Deeds, shall be paid by the owners of the lands included in the Planned Unit Development. Upon receipt of such plans, documents and fees and upon determination that they are complete, the Zoning Administrator shall record them with the Waupaca County Register of Deeds Office.

17.29 PLAN COMMISSION

- (1) Creation; membership. See Ordinance No. 1.16.
- (2) General duties and responsibilities. The Plan Commission shall:
 - (a) Approve a recommended annual budget for the Plan Commission; when requested, review and commend on the budgets of agencies or functions that pertain to planning.
 - (b) Develop, adopt and review the Community Development Plan and elements thereof, including elements applicable to extraterritorial areas.
 - (c) Make reports and recommendations relative to the planning and development of the City and its environs to public officials and agencies, utility companies, civic, educational, professional and other organizations, and citizens.
 - (d) Receive referrals pursuant to Sections 62.23(5) and (6), Wis. Stats., or otherwise, and make reports upon the following matters: the location and architectural design of location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, parking areas, or memorials or public grounds; the location, extension, abandonment or authorization for any public utility; plats of land or certified survey maps within the City limits or within the extraterritorial platting jurisdiction; location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, redevelopment, and the

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amendment or repeal of any zoning or official map ordinance. Referrals and reports under this section are in addition to zoning/design reviews under other provisions of the Zoning Ordinance.

- (e) Additional duties and responsibilities. The Plan Commission shall have such powers under Wisconsin Statutes, or City Ordinance as may be necessary to enable it to perform its functions and promote municipal planning.
- (f) Special Exceptions. Have the authority to make recommendations to the Council concerning special exceptions.
 - (i) The Council, after referring the matter to the Plan Commission for recommendation, shall have the power to approve special exceptions for any of the uses and/or structures for which this chapter requires obtaining of such exceptions
 - (ii) A written application for a special exception shall be submitted indicating the section under this chapter for which the special exception is sought and stating the grounds on which it is requested. Applications are subject to a fee as set by Council resolution.
 - (iii) In granting a special exception, the Plan Commission shall make findings of fact consistent with the provisions of this chapter. The Plan Commission shall not grant special exceptions which would violate the yard setback requirements of this Code.
 - (iv) Public hearings shall be held in accordance with Section 17.30(5) below, except that the written notice to the Clerk of any municipality whose boundaries are within 1000 feet is not required.
 - (v) Additional special exception requirements. In addition to the requirements and conditions specified in this chapter, the Plan Commission may impose additional conditions as deemed necessary to ensure the proposed use/lot/structure will secure the objectives of this chapter.
 - (vi) No special exception use/lot/structure shall be recommended by the Plan Commission unless the Commission shall find:
 - (aa) That the establishment, maintenance or operation of the special exception use/lot/structure will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (bb) That the special exception use/lot/structure will not be injurious to the use and enjoyment of other property in the orderly development and improvement in the immediate vicinity for the purposes already permitted, and not substantially diminish and impair property values within the neighborhood.
 - (cc) That adequate facilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - (dd) That adequate measures have been or will be taken to provide ingress or egress so designed to minimize traffic congestion in the public streets.
 - (ee) That the special exception use/lot/structure shall, in all other respects, conform to the applicable regulations of the

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- district in which it is located, except as such regulations may, in each instance, be modified by the Council pursuant to the recommendations of the Plan Commission.
- (ff) Special Exceptions shall only be allowed in the R-1 and R-2 Residential Districts.

17.30 ZONING AMENDMENTS

- (1) The City of Clintonville Zoning Ordinance may be amended pursuant to procedures provided by Wisconsin Statutes.
- (2) Petitions to amend the Zoning Ordinance may be initiated by any Alderperson or any City Board, Committee, Commission or Officer. Petitions to amend zoning districts may, in addition, be initiated by any person owning real estate, provided that the proposed amendment affects real estate owned by such person or a larger area that includes real estate owned by such person.
- (3) The Plan Commission shall direct that application forms for Zoning Ordinance amendment petitions be developed and approved by the Commission and that such, or close equivalents, shall be used to initiate amendment petitions.
- (4) All petitions for amendment shall be introduced to the Zoning Administrator and referred to the Plan Commission with information notice of the introduction and referral being given by the Administrator to the City Council.
- (5) The Plan Commission shall establish a date for public hearing before the Plan Commission on all proposals for zoning amendments. Class 2 notice shall be given prior to such hearing. At least ten (10) days prior written notice shall be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by a proposed change in zoning district boundaries. Failure to give such notice to nearby municipalities shall not invalidate the hearing or the change, if adopted. The public hearing shall be conducted by the Plan Commission in accord with the notice, unless recessed and rescheduled in accord with state law.
- (6) At least ten (10) days prior written notice shall be given as required by state law.
- (7) Protest petitions may be lodged regarding amendments to zoning district maps in accord with provisions of state law (Sec. 62.23(7), Wis. Stats.).
- (8) Following the public hearing, the Plan Commission shall issue its recommendations on the proposed amendment to the Common Council.
- (9) Following receipt of the recommendations and report of the Plan Commission, the Common Council may take action upon the proposed amendment.
- (10) Where allowed by Wisconsin zoning law, rezonings may be conditioned where the Common Council deems imposition of conditions a necessity to achieve the public interest and the intent of this Ordinance.

17.31 CONDITIONAL USES

- (1) **Identification and Purpose.** The City of Clintonville Zoning Ordinance identifies certain uses of property within each zoning district as Conditional Uses. Applications to establish or modify such uses shall be decided pursuant to this section as a matter of discretionary judgment, upon consideration of the specific proposal in relation to the site, uses of neighboring properties, area conditions and the provisions of the Community Development

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Plan. Approval of Conditional Uses shall be accompanied by conditions established by the Plan Commission. The Plan Commission may allow other uses in zoning districts if it determines it is within the intent of the district.

- (2) Procedures.
 - (a) Applications for Conditional Use approval shall be made on application forms developed and approved by the Plan Commission.
 - (b) An application fee shall be paid at the time an application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Plan Commission. Said application fee shall be set by Council resolution. Applications originated by the City shall be exempt from application fee.
 - (c) A Conditional Use application that has been rejected shall not be accepted for resubmittal within six months from the date of rejection unless the Plan Commission determines that there has been a significant change in the proposal or in relevant conditions.
 - (d) When the Plan Commission staff has received a complete application, and the application fee, and when the staff has completed such research and staff review as the Plan Commission has directed be applied to such applications, the application and related file shall be transmitted to the Plan Commission for its review and consideration.
 - (e) The Plan Commission shall establish a date for public hearing before the Plan Commission on all proposals for Conditional Use approvals. Class 1 notice shall be given prior to such hearing. The public hearing shall be conducted by the Plan Commission in accord with the notice, unless recessed and rescheduled in accord with state law.
 - (f) The Plan Commission may approve, disapprove, or approve with modifications, a Conditional Use application provided that such conditional uses are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community. The decision of the Plan Commission shall be recorded in the minutes and shall contain a written statement of reasons with reasons specifically related to the standards of this Ordinance or of documents related to this Ordinance by cross-referencing provisions.
 - (g) Adopted motions to approve Conditional Uses shall include identification of conditions. These conditions may address the site plan, timetable of development, operation of the proposed site, surety requirements for performance of required activities, or other considerations relevant to applicable standards. All such conditions shall be recorded in the minutes, in correspondence sent to the applicant and other parties of interest, and may, at the discretion of the Plan Commission, be recorded in legal documentation filed in relation to the property at the Waupaca County Register of Deeds. All such conditions shall be fully binding upon the property as if they were specific terms of this Ordinance.
 - (h) A decision of the Plan Commission in granting or denying a Conditional Use may be appealed to the Common Council. Applications for such appeals shall be signed by the applicant or by persons who would have protest petition rights under Wis. Stats.

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62.23(7), were the matter one of rezoning, or by any Alderperson of the City. Such application for appeal shall be filed within ten (10) days of the date of the Plan Commission action. Upon such a filing, the entire Plan Commission file shall be submitted by Commission staff to the City Clerk for transmittal to the Common Council and all Plan Commission minutes on the matter shall be reproduced and sent to members of the Common Council. The matter shall be placed on the agenda of the Common Council. The Common Council may deal with the matter with or without a public hearing, at its discretion. The Common Council may either affirm, reverse or modify the action of the Plan Commission. In making its determination, the Common Council shall be guided and controlled by (1) of this section.

- (i) Where an approved Conditional Use contemplates construction or erection of buildings and structures, failure to commence such construction within six months after the approval of a Conditional use shall render the approval void. Upon timely application and for good cause, the Plan Commission may grant specified extensions.

17.32 ZONING BOARD OF APPEALS

- (1) Appointments, Terms, Rules and Procedures. The Zoning Board of Appeals shall be appointed and shall be governed as to terms, vacancies, removals, and as to rules and procedures by Sec. 62.23(7)(e), Wis. Stats., and by provisions herein.
- (2) Functions of the Zoning Board of Appeals. Functions of the Board of Appeals shall be to hear and decide applications for variances under the Zoning Ordinance and to hear and decide applications for appeal of administrative interpretations.
- (3) Public Hearings. The Zoning Board of Appeals shall conduct a public hearing on all administrative appeals, variances and other decision matters before it and shall cause a Class 1 notice under Chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to all parties in interest.
- (4) Any party may appear in person or by agent at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses. All testimony before the Board by persons other than Board members and all documentary evidence or material pertaining to matters before the Board shall be received at hearings conducted by the Board, provided that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered in to the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts that may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.
- (5) Deliberations and Decisions. The Board shall deliberate on matters before it. The concurring vote of four members of the Board shall be necessary to approve any appeal, variance or other decision matter before the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the Ordinance, state statute and the Board shall decide all matters before it within a reasonable time.

17.33 APPEALS BOARD FUNCTIONS: APPEALS OF INTERPRETATIONS OF THE ZONING ADMINISTRATOR

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- (1) **Appealable Matters.** Decisions by the Zoning Administrator that consist of interpretations of the terms of the Clintonville Zoning Ordinance and that are made in the course of determining whether a permit or approval will be issued by the Administrator are appealable to the Zoning Board of Appeals as administrative appeals. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other enforcement activities, where the Administrator has determined that a violation of the Ordinance exists, are appealable to the Board of Appeals as an administrative appeal.
- (2) **Procedures for Initiating an Administrative Appeals.**
 - (a) **Eligible Appellants.** Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the city government.
 - (b) **Time for Appeals.** An appeal shall be commenced within thirty (30) days after decision or interpretation was made.
 - (c) **Initiating an Appeal.** An appeal may be commenced by filing with the Zoning Administrator a notice of appeal identifying the decision being appealed, the grounds for the requested relief and payment of applicable fees. Upon receipt of such a notice, the Secretary shall notify the Board of Appeals and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.
 - (d) **Stays.** An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator or City Attorney files with the Zoning Board of Appeals a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.
 - (e) **Decisions of the Zoning Board of Appeals.** Following the procedures specified in section 17.33a92), the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, or may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. Decisions by the Board on administrative appeals shall be based upon the terms of the Ordinance and evidence as to legislative intent.

17.34 APPEALS BOARD FUNCTIONS: VARIANCES

- (1) **Initiating a Request for Variance.** Applications for variances in zoning regulations may be filed by any party having a property interest in the property in question, along with payment of the applicable fee. The Secretary shall transmit the application to the Board. It may be required that the applicant stake his property, locating property pins for verification of property lines or a certified map of buildings or property lines by completed by a registered land surveyor.
- (2) **Review and Decision.** Following a public hearing and other investigations, including review of Plan Commission recommendations, if available, the Board shall decide the matter based upon the following standards:

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- (a) No variance may be granted that would have the effect of allowing a use of land or property that would violate state law or administrative rules.
- (b) To grant a variance, the Board must find that the variance will not be contrary to the public interest where, owing to special and peculiar conditions, applicable only to the specific property in question, a literal enforcement will result in exceptional practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public health, safety and welfare secured and substantial justice done.
 - 1. Exceptional practical difficulty and unnecessary hardship shall be construed as a whole, with no distinction made.
 - 2. When considering a dimensional standard variance that will not involve significant change in the character of the neighborhood, the hardship/difficulty test is whether compliance with the strict letter of the restrictions on lot area, setbacks, frontage, height, lot area coverage or occupancy or density would unreasonably prevent the owner from using the property for an allowed purpose or would render conformity unnecessarily burdensome.
 - 3. When considering a dimensional variance that would, if approved, cause significant change in the character of the neighborhood, the hardship/difficulty test is whether, in absence of approval, no feasible use can be made of the property.
 - 4. Use variances (variances allowing a use not specified for that district by this ordinance) should be considered only when the use in question is new or is one not provided for anywhere in the Ordinance. The Board may consider such variances only when the use is very similar in its inherent characteristics and impact characteristics to uses within the district in question.
- (c) The Board may grant a variance to extend a zoning district boundary for a distance not to exceed 25 feet, but only where the boundary of a zoning district divides a lot in a single ownership.
- (d) The granting of a variance to construct a building or structure or other use shall expire within six (6) months after the decision of the Zoning Board of Appeals unless a permit has been issued or the use has commenced.

17.35 ZONING ADMINISTRATOR

- (1) A Zoning Administrator shall be designated through City personnel procedures.
- (2) Duties, Responsibilities and Authority.
 - (a) Records. The Zoning Administrator shall be responsible for keeping all records of applications received, committee, board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and similar activities, as well as general correspondence pertaining to the functions of the office and program.
 - (b) Inspections. The Zoning Administrator shall make such inspections of premises as are required, to determine compliance of land use activities with the terms of this Ordinance. Except in cases of emergency, such inspections shall be made only at reasonable hours, with reasonable notice to property owners and/or occupants and with consent, unless made pursuant to an inspection warrant issued pursuant to Wisconsin

Statutes.

- (c) Determinations and Interpretations. The Zoning Administrator shall make those administrative decisions and determinations required for administration of this Ordinance.
- (d) Permits, Approvals, Fees or Certificates of Zoning Compliance. The Zoning Administrator shall receive applications under this Ordinance and shall process the applications and collect and dispose of fees in accordance with City Ordinance and administrative procedures. Permits or approvals issued by the Zoning Administrator shall be issued on the basis of plans and applications as submitted and authorize only the uses, arrangements and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance. Permits shall lapse and become void if operations described in the permit are not commenced within six months of issuance of the permit, unless otherwise specified in this Ordinance or by specific approved of an extension or variation.
- (e) Advice and Recommendations. The Zoning Administrator shall, upon general or specific request of the Plan Commission or Board of Appeals or other body or officer of the City, issue reports, and make recommendations on matters that come before such commission, board of officer.

17.36 PERMITS

- (1) Certain development activities and occupancies shall require application for and issuance of a permit in order for them to be legally established. The Plan Commission is hereby delegated the authority to promulgate permit requirements, to establish forms for permit applications and permit forms themselves.
- (2) Failure to obtain a required permit before development is a violation of this Ordinance.
- (3) Issuance of a permit authorizes only the development or occupancy set forth in approved plans submitted as part of a permit application and no other development or occupancy. Issuance of a permit creates no liability on the part of the City or its issuing officers and does not limit the right of the City to change Ordinance requirements.
- (4) Permit Fees.

Conditional Use	As set by Council resolution.
Certificate of Zoning Compliance	As set by Building Inspector of Building Inspection Firm hired by City
Planned Unit Development	As set by Building Inspector or Building Inspection Firm hired by City
Rezoning Amendment	As set by Council resolution.
Sign	As set y Building Inspector or

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Building Inspection Firm hired
by City

Variance As set by Council resolution.

- (5) Applications for permits by the Common Council, Plan Commission or Zoning Board of Appeals shall have the fee requirements waived.
- (6) Fees are due and payable upon application, and are not refundable.

17.37 ENFORCEMENT

- (1) Declarations of Unlawful Conduct, Activities and Conditions.
 - (a) It shall be unlawful for any building or structure to be erected, constructed, placed, moved or structurally altered, or for any use of land, premises, building or structure to be established or changed in violation of the provision of this Ordinance.
 - (b) It shall be unlawful to fail to comply with any standard of this Ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted in due course under this Ordinance.
- (2) Liability.
 - (a) Owners of lands or properties, occupiers of land or premises, and agents of owners or occupiers including, without limitation because of enumeration, contractors, surveyors, plumbers, installers, soils technicians, or their agents, or lending institutions and insurers or their agents are responsible for compliance with all provisions of this Ordinance which bear upon their area of competency and responsibility.
 - (b) Any such party who violates or aids or abets in a violation shall be liable to prosecution or remedial action.
 - (c) This Ordinance applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by state or federal law.
- (3) Investigation of Compliance, Notice of Violations.
 - (a) The Zoning Administrator is responsible for inspecting and investigation compliance of land use activities with the terms of this Ordinance.
 - (b) If, upon such inspection or investigation, the Zoning Administrator becomes aware of a condition which he concludes is or likely to become unlawful, the Administrator shall immediately notify the parties to the situation whom he deems to be responsible and potentially liable. Such notice shall include:
 - 1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - 2. A statement that a complaint on the condition and request for prosecution has been or will be transmitted to the City Attorney and/or to enforcement officials, state agencies, or both.

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- (c) If an enforcement demand is issued and is not complied with, the Zoning Administrator may file a request for prosecution with the City Attorney, unless an administrative appeal has been commenced and a stay order has been issued pursuant to Section 17.33 of this Ordinance. See also citation alternative, Section 17.37(4) below.
- (4) Prosecutions; Injunctions and Penalties in Court Proceedings.
 - (a) The City Attorney has responsibility to prosecute violations of this Ordinance on behalf of the City.
 - (b) Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to Sec. 62.23 or other sections of the Wisconsin Statutes or common law.
 - (c) Forfeitures and penalties for violation of the provisions contained within this Ordinance are found in Section 17.36, which is adopted herein by reference and made a part of this Ordinance.
 - (d) As a substitute for, or an addition to, forfeiture actions the City Attorney may, on behalf of the City, seek enforcement of any and all parts of this Ordinance by court actions seeking injunction or restraining orders.
 - (e) City officials designated in Section 17.37(6) may issue citations, as provided in said Ordinance, for violations or portions of this Ordinance.
- (5) Other Enforcement Provisions.
 - (a) Where a conditional use, variance, planned development or design review has been approved subject to specified conditions, and where such conditions are not complied with, the Board of Appeals may conduct a hearing pursuant to this section upon a petition submitted by any interested party or by the Zoning Administrator to revoke the approval. A finding of non-compliance with the conditions imposed shall be grounds for revocation.
 - (b) Relationship to nuisance actions. No provision of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance upon the laws of the State of Wisconsin.
 - (c) Conditions placed on rezonings, approvals or permits may include requirement of bonds or similar surety arrangements to assure performance of required obligations.
- (6) Citations for Certain Ordinance Violations.
 - (a) Authority to use citations for certain offenses. The use of citations for issuance for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.
 - (b) Officials authorized to issue citations. Under this Ordinance and the particular types of violations for which they are authorized to issue citations:
 1. Building Inspectors are authorized to issue citations for violations of Chapter 8, 14, 15, 16, 22.

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2. Zoning Administrators are authorized to issue citations for violations of Chapters 8, 17, 18, 19, 21.
- (c) Contents of citation. The form of the citation shall contain the following information:
1. The name and address of the alleged violator.
 2. The factual allegations describing the alleged violation.
 3. The time and place of the offense.
 4. The section of the Ordinance violated.
 5. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 6. The time at which the alleged violator may appear in court.
 7. A statement which in essence informs the alleged violator that he may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.

17.38 PENALTY PROVISIONS

- (1) General Penalty. Whenever so provided in this Ordinance, any person who shall violate any provision of this Ordinance shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) First offense. Any person who shall violate any provision of this Ordinance subject to a penalty shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail or county house of correction until said forfeiture and costs are paid, but not exceeding 90 days.
 - (b) Second offense. Any person found guilty of violating and provision of this Ordinance who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six months.
- (2) What constitutes a separate offense. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision contained in this Ordinance.
- (3) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City the court may, in lieu of ordering imprisonment of the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.