CHAPTER 17. ZONING CODE

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STATUTORY AUTHORITY AND PURPOSE

SEC. 17.0101 AUTHORITY
These regulations are adopted under the authority granted by Sections 62.23(7), 62.231, 87.30, and 144.26 of the Wisconsin Statutes. Therefore, the Common Council of the City of Oak Creek, Wisconsin does ordain as follows:

SEC. 17.0102 PURPOSE
The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

SEC. 17.0103 INTENT
It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; and to:

(a) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
(b) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities;
(c) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
(d) Secure safety from fire, flooding, pollution, contamination, and other dangers;
(e) Prevent flood damages to persons and property;
(f) Minimize expenditures for flood relief and flood control projects;
(g) Further the maintenance of safe and healthful water conditions;
(h) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
(i) Stabilize and protect existing and potential property values;
(j) Further the appropriate use of land and conservation of natural resources;
(k) Preserve and protect the beauty of the community;
(l) Facilitate the use of solar energy devices and other innovative development techniques;
(m) Implement those municipal, county, watershed, and regional comprehensive plans or plan components adopted by the City of Oak Creek;
(n) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

SEC. 17.0104 ABROGATION AND GREATER RESTRICTIONS
It is not intended by the provisions of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. Except as otherwise provided in this Chapter, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

SEC. 17.0105 INTERPRETATION
In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SEC. 17.0106 SEVERABILITY
If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SEC. 17.0107 WARNING & DISCLAIMER OF LIABILITY
The degree of flood protection provided for by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Chapter does not imply that areas outside the delineated flood lands or uses permitted within the flood lands will be totally free from flooding and the associated flood damages. Nor shall this Chapter create a liability on the part of, or a cause of action against, the City of Oak Creek or any office or employee thereof for any flood damages that may result from reliance on this Chapter.

SEC. 17.0108 TITLE
This Chapter shall be known as, referred to, or cited as the "ZONING CHAPTER OF THE MUNICIPAL CODE OF ORDINANCES (ZONING CODE), CITY OF OAK CREEK, MILWAUKEE COUNTY WISCONSIN."

SEC. 17.0201 JURISDICTION
The jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the City of Oak Creek.

SEC. 17.0202 COMPLIANCE
No structure, land, or water shall hereafter be used or developed (as "development" is defined in Section 17.1402 of this Chapter) and no structure or part

thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot of record as of 12/1/64, even though not meeting the requirements of this Chapter as to area and width, may be used for single family residence purposes.

SEC. 17.0203 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law all cities, villages, towns, counties, school districts, vocational school districts, the Milwaukee Metropolitan Sewerage District, and other public entities are required to comply with this Chapter and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

SEC. 17.0204 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

(a) Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

(b) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except home occupations and professional home offices as defined in this Chapter.

(c) Conditional uses and their accessory uses require review, public hearing, and approval by the City Plan Commission in accordance with Section 17.1007 of this Chapter.

(d) Temporary uses may be permitted by the Zoning Administrator for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the City Plan Commission after review of site and operation plans. Special requirements may be imposed for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may be allowed one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Temporary uses permitted under this Section include:

(1) Real estate sales or rental field offices or model homes may be permitted in any residential district.

(2) Temporary structures, including mobile home units, may be permitted in any business or manufacturing, or institutional district. Such temporary structure may be used as a business, institutional or professional office during or immediately prior to the construction of a permanent structure.

(3) Shelters for materials and equipment being used in the construction of a permanent structure or public utility may be permitted in any district. The Building Commissioner or Plan Commission may require that storage areas be screened to prevent a view of materials or equipment from adjacent properties.

(4) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in a B-1, B-2, B-4, B-5 or any manufacturing district.

(5) Circuses and animal shows may be permitted in a B-1, B-2, B-4, B-5 or any manufacturing district. The Building Commissioner or Plan Commission may limit or prohibit the display of dangerous animals such as tigers or snakes.

(6) Christmas tree sales may be permitted in a B-1, B-2, B-4, B-5 or any manufacturing district for not more than 42 days.

(7) Farmers markets may be permitted in a B-1, B-2, B-4, B-5 or any manufacturing district.

(8) "Portable Storage Structure" is any container, storage unit, shed-like container or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.

1. The use of portable storage structures are allowed under the following conditions.
   a. There must be no more than one (1) portable structure per property.
   b. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
   c. A portable storage structure must not remain on the property in any

zoning district in excess of thirty (30) consecutive days, and must not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.

d. Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and must be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.

(9) Because it is difficult to enumerate all temporary uses that may occur in the City, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

Ordinance 2455, A 5/1/07, Sec. 17.0204(d)
Ordinance 2576, A 12/15/09 Sec. 17.0204(d)(8) And 17.0204(d)(9)

SEC. 17.0205 SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The City Building Commissioner or a designee, in cooperation with the City Engineer, shall, in applying the provisions of this section, recite in writing the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the City Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

(a) All lots shall abut upon a public street, and each lot shall have a minimum lot width measured at the street setback line as specified in each district, but not less than 65 feet. The required minimum lot width shall be maintained for at least 30 feet beyond the street setback line for construction of the principal structure.

(b) All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

(c) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

(d) A buffer yard shall be created and maintained around all business and manufacturing districts which abut upon residential districts and which are adjacent to freeways and limited access arterial streets and highways which abut upon residential districts. The Plan Commission may also require a buffer yard around business and industrial districts abutting park and institutional districts. Buffer yards shall be a minimum of 20 feet in width; shall be in addition to the required street yards, side yards, and rear yards; and shall screen business or manufacturing uses from adjoining lands in such a manner that:

(1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.

(2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than four (4) feet nor more than six (6) feet in height.

(3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Zoning Administrator or a designee..

(4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall

be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.

(5) No signs shall be permitted on or in any part of the buffer yard.

(e) On a vacant through or corner lot, either of the lot lines abutting street right-of-way lines may be established as its front lot line, except that where 2 or more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots. On a through lot, a front yard shall be provided along any lot line abutting a street.

(f) On a corner lot, the owner has the option of designating a side yard and a rear yard of the two remaining yards after the front yard and side yard abutting a street have been identified; as long as one is at least equal to the required side setback and the other at least equal to the required rear setback.

Ordinance 2455, A 5/1/07, Sec. 170205, 170205(d)(3)

SEC. 17.0206 REDUCTION

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter.

ZONING DISTRICTS

SEC. 17.0301 ESTABLISHMENT

For the purpose of this Chapter, the City of Oak Creek is hereby divided into twenty-two (22) basic use districts and two (2) overlay districts as follows:

A-1 Limited Agricultural District
ER Equestrian Residential District
Rs-1 Single-family Residential District
Rs-2 Single-family Residential District
Rs-3 Single-family Residential District
Rs-4 Single-family Residential District
Rs-5 Mobile Home Park District
Rd-1 Two-family Residential District
Rm-1 Multi-family Residential District
B-1 Local Business District
B-2 Community Business District
B-3 Office and Professional Business District
B-4 Highway Business District
B-5 Adult Oriented Facilities District
M-1 Manufacturing District
I-1 Institutional District
P-1 Park District
C-1 Shoreland Wetland Conservancy District
FW Floodway District
FF Flood Fringe District
GFP General Floodplain District
PUD Planned Unit Development Overlay District

(a) Boundaries of these Districts are hereby established as shown on the maps entitled "Zoning Map--City of Oak Creek, Wisconsin," dated October 31, 1995, and on the City of Oak Creek Large- scale Quarter-section Zoning Maps, which maps accompany and are herein made a part of this Chapter. All notations and references shown on the maps are as much a part of this Chapter as though specifically described herein. This Chapter hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the City Council.

(b) The District Boundaries in all districts, except the C-1 Conservancy District, the FW Floodway District, the FF Flood Fringe District, and the GFP General Floodplain District, shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended. Where the district boundary is parallel to corporate limits, the centerline or right-of-way of a street, or the centerline or right-of-way of a railway, the district boundary shall be determined by the dimension noted on the zoning map, or where said dimension is not noted, by the scale contained on the zoning map.

(c) Boundaries of the floodplain districts shall be designated by Section 17.0321(e)(2) and Section 17.0321(e)(4).

(d) Boundaries of the C-1 Shoreland Wetland Conservancy District are based on the Wisconsin Wetland Inventory Maps for the City of Oak Creek, dated October 28, 1987, and stamped "FINAL", and include, but are not limited to, all wetlands shown on those maps which are five acres or more in area; and are located within 300 feet of a navigable river, within 1,000 feet of a lake, or within the 100-year recurrence interval floodplain. These boundaries are for illustrative purposes only. The actual boundaries shall be those established by a field-staking of the particular wetland, followed by a survey and legal description of the wetland.

(e) Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting property to which the vacated land reverts.

(f) Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the Rs-1 Single-family Residential District, unless the annexation Chapter temporarily places the land in another district. Within one (1) year, the City Plan Commission shall evaluate and recommend a permanent classification to the Common Council.

Annexations containing floodplains and shorelands shall be governed in the following manner:

(1) Annexations containing floodplains shall be governed by Section 17.0321(e)(12).

(2) Annexations Containing Shorelands. Pursuant to Section 59.971(7) of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the Racine County Zoning Ordinance until such time that the City adopts an Ordinance that is at least as restrictive as the Racine County Zoning Ordinance. Said regulations shall be administered and enforced by the City of Oak Creek Zoning Administrator or a designee.

Ordinance 2360, A 8/30/05 Sec.17.0301(c)&(f)
Ordinance 2455, A 5/1/07, Sec.17.0301(f)(2)

SEC. 17.0302 ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Mayor and the City Clerk and shall be available to the public in the office of the City Clerk. Changes, thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy.

AGRICULTURAL DISTRICT

SEC. 17.0303 A-1 LIMITED AGRICULTURAL DISTRICT

The A-1 Limited Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the City that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.

(a) Permitted Uses:

(1) General farming including floriculture, forestry, orchards, viticulture and the growing of grain or vegetable crops.

(2) Plant nurseries, greenhouses and tree farms for both wholesale or retail sales.

(3) General farm structures including barns, silos, sheds, and storage bins.

(4) One (1) single-family or two-family farm dwelling per operating farm.

(5) Existing dwellings not accessory to any farm operation or a dwelling remaining after farm consolidation.

(6) Essential services.

(7) Keeping and raising of domestic stock for agribusiness, show, breeding, boarding, or other purposes incidental to the principal use of the premises subject to the following limitations:

a. No more than one (1) horse, cow, sheep, hog or similar animal, over six (6) months of age, shall be kept for each acre; or

b. No more than ten (10) chickens, ducks, or similar poultry, over two (2) months of age, shall be kept for each acre; or

c. No more than twenty (20) rabbits or hare, over two (2) months of age, shall be kept for each acre.

d. No more than one (1) bee hive shall be kept for each acre.

e. The keeping and raising of fur-bearing animals, except rabbits, is prohibited.

f. Combinations of the above shall be apportioned to the total acreage and the Building Commissioner shall determine the total number of animals allowed.

(b) Permitted Accessory Uses:

(1) One (1) roadside stand, not larger than 200 square feet in area, for the sale of farm products produced on the premises. Any such stand shall conform to the farm stand setbacks set forth in Section 17.0303(f)(4) of this Chapter and to the sign, parking and other provisions of this Chapter.

(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(3) Home occupations and professional home offices. [see Section 17.0501(d)]

(4) Private garages and carports.

(5) Private swimming pools.

(6) Private tennis courts.

(7) Solar collectors attached to the principal structure.

(8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(2) Private educational or non-animal nature study areas.

(3) Garden plots for rent.

(4) Permanent retail establishments selling fruits, vegetables, and selected farm products in stands exceeding 200 square feet in area, but not exceeding 750 square feet in area.

(5) Solar energy collectors erected as an accessory structure.

(6) Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.

(7) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any residential district lot line.

(8) Utilities requiring a building.

(9) Functional Family Unit.

(10) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width

(1) Lots shall have a minimum area of five (5) acres and shall have a lot width of not less than 150 feet.

(2) Lots with existing non-farm dwellings or lots with dwellings remaining after farm consolidation shall provide a lot for such dwellings having a minimum lot area of 40,000 square feet and shall have a lot width of not less than 150 feet.

(e) Building Height, Area and Standards

(1) No dwelling or part of a dwelling shall exceed thirty-five (35) feet in height. Farm buildings shall not exceed 100 feet in height.

(2) The total minimum floor area of a principal residential building shall be 980 square feet with a basement and 1,180 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 780 square feet.

(4) A tri-level dwelling shall have a minimum living area of 400 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed ten (10) percent of the lot area.

(6) All principal residential buildings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roofs of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1) Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way for farm dwellings and fifty (50) feet from the street right-of-way for all other buildings.

(2) There shall be a side setback on each side of all farm dwellings of not less than ten (10) feet in width. All other

buildings shall have a minimum side setback of thirty (30) feet.

(3) There shall be a rear setback of not less than 100 feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with provisions of Section 17.0501 of this Chapter; except accessory farm stands shall be setback not less than ten (10) feet from all property lines.

Ordinance # 2342, A 4/4/05, Sec.17.0303(c)(9)
Ordinance # 2342, A 4/4/05, Sec. 17.0303(c)(10)
Ordinance # 2455, A 5/1/07, Sec. 17.0303(b)(8)
Ordinance # 2470, A 10/2/07, Sec. 17.0303(e)(9)

SEC. 17.0304 ER EQUESTRIAN RESIDENTIAL DISTRICT

The ER Equestrian Residential District is intended to provide for large residential lots with limited animal husbandry uses accessory to residential uses. Residential development in the ER district is permitted at densities not to exceed 0.3 dwelling units per net acre.

(a) Permitted Uses:
- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.
- (4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.
- (5) Essential services.

(b) Permitted Accessory Uses:
- (1) Keeping and raising of horses, donkeys, mules, or ponies for personal (non-commercial) recreation, show, or breeding purposes incidental to the principal use of the premises subject to the following limitations:
  - a. No more than two (2) horses, donkeys, mules, ponies or their offspring over six (6) months of age shall be kept on a three-acre parcel. No more than one (1) additional horse, donkey, mule or pony shall be kept for each additional acre over three (3) acres.
  - b. No other domestic stock shall be raised or kept in the ER Eques-trian Residential District.
- (2) Bridle paths.
- (3) Buildings for the housing of horses or other permitted animals.
- (4) Private garages and carports
- (5) Gardening, tool, and storage sheds incidental to the residential use.
- (6) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (7) Home occupations and professional home offices. [see Section 17.0501(d)]
- (8) Private swimming pools.
- (9) Private tennis courts.
- (10) Solar collectors attached to the principal structure.
- (11) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:
- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements which have a capacity of at least nine (9), but no more than twenty (20) persons.
- (3) Private parks and playgrounds.
- (4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.
- (5) Solar energy collectors erected as an accessory structure.
- (6) Utilities requiring a building.
- (7) Functional Family Unit.
- (8) Chapter 980 Stats. supervised release use subject to the following standards:
  - 1. The use shall not make the community unsafe;
  - 2. The use shall not be proximate to a sensitive location;
  - 3. The facility shall be secure;
  - 4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;
  - 5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;
  - 6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;
  - 7. The use shall not be located proximate to the residence of other persons on supervised release;
  - 8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats;
  - 9. The use shall not be located proximate to any facility for children

(which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum area of three (3) acres and shall have a lot width of not less than 200 feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed thirty-five (35) feet in height. No accessory building, whether for housing horses, donkeys, mules, or ponies or not, shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal residential building shall be 1,400 square feet with a basement and 1,700 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.

(4) A tri-level dwelling shall have a minimum living area of 500 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed ten (10) percent of the lot area.

(6) All principal residential buildings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roofs of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1) Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of fifty (50) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal residential buildings of not less than thirty (30) feet in width.

(3) There shall be a rear setback of not less than 100 feet.

(4) Buildings housing animals shall be located not closer than fifty (50) feet from any lot line.

(5) Accessory buildings and structures, except buildings housing animals, shall be provided with a rear and side setback in accord with the provisions of Section 17.0501 of this Chapter.

Ordinance # 2342, A 4/4/05 Sec. 17.0304(c)(7)
Ordinance # 2342, A 4/4/05 Sec. 17.0304(c)(8)
Ordinance # 2455, A 5/1/07, Sec. 17.0304(b)(11)
Ordinance # 2470, A 10/2/07, Sec. 17.0304(e)(9)

SEC. 17.0305 Rs-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-1 residential district is intended to provide for single-family residential development at densities not to exceed 2.0 dwelling units per net acre.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.

(4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.

(5) Essential services.

(b) Permitted Accessory Uses:

(1) Private garages and carports

(2) Gardening, tool, and storage sheds incidental to the residential use.

(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(4) Home occupations and professional home offices. [see Section 17.0501(d)]

(5) Private swimming pools.

(6) Private tennis courts.

(7) Solar collectors attached to the principal structure.

(8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(2) Licensed community and other living arrangements which have a capacity of at least nine (9), but no more than twenty (20) persons.

(3) Private parks and playgrounds.

(4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than 50 feet from any side or rear lot line.

(5) Solar energy collectors erected as an accessory structure.

(6) Utilities requiring a building.

(7) Parking of a semi-tractor or other large trucks in accordance with Subsection 17.0405(b) of this Chapter.

(8) Functional Family Unit.

(9) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 21,780 square feet in area and shall have a lot width of not less than 115 feet. Corner lots shall have a lot width of not less than 125 feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal residential building shall be 1,500 square feet with a basement and 1,700 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.

(4) A tri-level dwelling shall have a minimum living area of 500 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed thirty (30) percent of the lot area.

(6) All principal residential buildings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roofs of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1) Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal residential buildings of not less than ten (10) feet in width; Additionally, for structures with a side-entry garage, the setback shall be not less than twenty-seven (27) feet in width as measured along a line perpendicular from and starting at the closest point on a garage door opening to the side lot line.

(3) There shall be a rear setback of not less than thirty (30) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this Chapter.

Ordinance # 2013 A 7/6/99 Sec. 17.0305(f)(2)
Ordinance # 2149 A 8/6/01 Sec. 17.0305(f)(2)
Ordinance # 2342 A 4/4/05 Sec.17.0305(c)(8)
Ordinance # 2342 A 4/4/05 Sec.17.0305(c)(9)
Ordinance # 2375 A 10/4/05 Sec. 17.0305(f)(2)
Ordinance # 2455, A 5/1/07, Sec. 17.0305(b)(8)
Ordinance #2470, A10/2/07, Sec 17.0306(e)(9)

SEC. 17.0306 Rs-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-2 residential district is intended to provide for single-family residential development at densities not to exceed 2.9 dwelling units per net acre.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.

(4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.

(5) Essential services.

(b) Permitted Accessory Uses:

(1) Private garages and carports

(2) Gardening, tool, and storage sheds incidental to the residential use.

(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(4) Home occupations and professional home offices. [see Section 17.0501(d)]

(5) Private swimming pools.

(6) Private tennis courts.

(7) Solar collectors attached to the principal structure.

(8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS

197 of the Wisconsin Administrative Code.

(2) Licensed community and other living arrangements, which have a capacity of at least nine (9), but no more than twenty (20) persons.

(3) Private parks and playgrounds.

(4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.

(5) Solar energy collectors erected as an accessory structure.

(6) Utilities requiring a building.

(7) Parking of a semi-tractor or other large trucks in accordance with Subsection 17.0405(b) of this Chapter.

(8) Functional Family Unit.

(9) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 17,000 square feet in area and shall have a lot width of not less than 100 feet. Corner lots shall have a lot width of not less than 110 feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal residential building shall be 1,500 square feet with a basement and 1,800 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 900 square feet.

(4) A tri-level dwelling shall have a minimum living area of 500 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed thirty (30) percent of the lot area.

(6) All principal residential buildings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roofs of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum bev-

eled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1) Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal residential buildings of not less than ten (10) feet in width; Additionally, where a side-entry garage exists, the setback shall be not less than twenty-seven (27) feet in width as measured along a line perpendicular from and starting at the closest point on a garage door opening to the side lot line.

(3) There shall be a rear setback of not less than thirty (30) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this Chapter.

Ordinance # 2013 A 7/6/99 Sec. 17.0306(f)(2)
Ordinance # 2149 A 8/6/01 Sec. 17.0306(f)(2)
Ordinance # 2243 A 3/31/03 Sec. 17.0306(d)(1)
Ordinance # 2342 A 4/4/05 Sec. 17.0306(c)(8)
Ordinance # 2342 A 4/4/05 Sec.17.0306(c)(9)
Ordinance # 2375 A 10/4/05 Sec. 17.0306(f)(2)
Ordinance # 2455, A 5/1/07, Sec. 17.0306(b)(8)
Ordinance #2470, A10/2/07, Sec.17.0306(e)(9)

SEC. 17.0307 Rs-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-3 residential district is intended to provide for single-family residential development at densities not to exceed 4.4 dwelling units per net acre.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.

(4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.

(5) Essential services.

(b) Permitted Accessory Uses:

(1) Private garages and carports

(2) Gardening, tool, and storage sheds incidental to the residential use.

(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(4) Home occupations and professional home offices. [see Section 17.0501(d)]

(5) Private swimming pools.

(6) Private tennis courts.

(7) Solar collectors attached to the principal structure.

(8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.

(2) Licensed community and other living arrangements, which have a capacity of at least nine (9), but no more than twenty (20) persons.

(3) Private parks and playgrounds.

(4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.

(5) Solar energy collectors erected as an accessory structure.

(6) Utilities requiring a building.

(7) Parking of a semi-tractor or other large trucks in accordance with Section 17.0405(b) of this Chapter.

(8) Functional Family Unit.

(9) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 12,000 square feet in area and shall have a lot width of not less than eighty (80) feet. Corner lots shall have a lot width of not less than ninety (90) feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal residential building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal residential building shall be 980 square feet with a basement and 1,180 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 780 square feet.

(4) A tri-level dwelling shall have a minimum living area of 400 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(6) All principal residential buildings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roofs of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1) Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal residential buildings of not less than ten (10) feet in width; Additionally, where a side-entry garage exists, the setback shall be not less than twenty-seven (27) feet in width as measured along a line perpendicular from and starting at the closest point on a garage door opening to the side lot line.

(3) There shall be a rear setback of not less than thirty (30) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this Chapter.

Ordinance # 2149 A 8/6/01 Sec. 17.0307(f)(2)

Ordinance # 2243 A 3/31/03 Sec. 17.0307(d)(1)
Ordinance # 2342 A 4/4/05 Sec. 17.0307(c)(8)
Ordinance # 2342 A 4/4/05 Sec. 17.0307(c)(9)
Ordinance # 2375 A 10/4/05 Sec. 17.0307(f)(2)
Ordinance # 2455, A 5/1/07, Sec. 17.0307(b)(8)
Ordinance #2470, A10/2/07, Sec.17.0307(e)(9)

SEC. 17.0308 Rs-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-4 residential district is intended to provide for single-family residential development at densities not to exceed 5.4 dwelling units per net acre.

(a) Permitted Uses:
- (1) Single-family dwellings.
- (2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.
- (4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.
- (5) Essential services.

(b) Permitted Accessory Uses:
- (1) Private garages and carports
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (4) Home occupations and professional home offices. [see Section 17.0501(d)]
- (5) Private swimming pools.
- (6) Private tennis courts.
- (7) Solar collectors attached to the principal structure.
- (8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:
- (1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (2) Licensed community and other living arrangements which have a capacity of at least nine (9), but no more than twenty (20) persons.
- (3) Private parks and playgrounds.
- (4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.
- (5) Solar energy collectors erected as an accessory structure.
- (6) Utilities requiring a building.
- (7) Parking of a semi-tractor or other large trucks in accordance with Section 17.0405(b) of this Chapter.
- (8) Functional Family Unit.
- (9) Chapter 980 Stats, supervised release use subject to the following standards:
  - 1. The use shall not make the community unsafe;
  - 2. The use shall not be proximate to a sensitive location;
  - 3. The facility shall be secure;
  - 4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;
  - 5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;
  - 6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;
  - 7. The use shall not be located proximate to the residence of other persons on supervised release;
  - 8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;
  - 9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and
  - 10. The use shall not be proximate to a residential subdivision.

(10) Two-family dwellings existing before November 20, 1995. Two-family dwellings existing before November 20, 1995, provided that said conditional use shall not be required to comply with the lot area and width requirements of subsec. (d), in the lot area and width do not meet the requirements under the zoning code.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 10,000 square feet in area and shall have a lot width of not less than seventy-five (75) feet. Corner lots shall have a lot width of not less than eighty-five (85) feet.

(e) Building Height, Area and Standards:

(1) No principal residential building or part of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal residential building shall be 850 square feet with a basement and 1050 square feet without a basement.

(3) The minimum first floor area of a bi-level or two-story dwelling shall be 675 square feet.

(4) A tri-level dwelling shall have a minimum living area of 350 square feet per level.

(5) The sum total of the floor area on all floors of the principal residential building and all accessory buildings shall not exceed fifty (50) percent of the lot area.

(6) All principal residential dwellings, excluding attached garages, shall have a minimum width of twenty-four (24) feet for the main body of the house.

(7) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run.

(8) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the vertical sides of the structure.

(9) The roof of all principal residential buildings shall be covered with asphalt shingles, wood or shake shingles, tile roofing, or slate roofing. Metal roof materials are prohibited, with the exception of decorative metal roofing that mimics approved roof materials in appearance, color, texture and function and decorative standing seam metal roofs.

(10) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials.

(11) All principal residential buildings shall be placed on, and be attached to, a permanently enclosed foundation in accordance with the standards set forth in Section 70.043(1), Wis. Stats. and Chapter ILHR 21, Wis. Admin. Code.

(f) Setbacks:

(1) There shall be a minimum front setback of twenty-five (25) feet from the street right-of-way.

(2) There shall be two (2) side setbacks for all principal residential buildings totaling not less than sixteen (16) feet, with one being not less than six (6) feet; Additionally, where a side-entry garage exists, the setback shall be not less than twenty-seven (27) feet in width as measured along a line perpendicular from and starting at the closest point on a garage door opening to the side lot line.

(3) There shall be a rear setback of not less than twenty-five (25) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this code.

Ordinance # 2013 A 7/6/99 Sec. 17.0308(d) , (e), and (f)
Ordinance # 2149 A8/6/01 Sec. 17.0308(f)(2)
Ordinance # 2243 A 03/31/03 Sec. 17.0308(d)(1)
Ordinance # 2342 A 4/4/05 Sec. 17.0308(c)(8)
Ordinance # 2342 A 4/4/05 Sec. 17.0308(c)(9)
Ordinance # 2375 A 10/4/205 Sec. 17.0308(f)(2)
Ordinance # 2455, A 5/1/07, Sec. 17.0308(b)(8)
Ordinance #2470, A10/2/07, Sec. 17.0308(e)(9)
Ordinance #2648, A 3/6/12, Sec. 17.0308(c)(10)

SEC. 17.0309 Rs-5 MOBILE HOME PARK DISTRICT

The Rs-5 residential district is intended to provide for the location of mobile home parks in a residential setting that is compatible with adjacent land uses.

(a) Permitted Uses

(1) Mobile home parks.

(2) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(3) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.
(4) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.
(5) Essential services.

(b) Permitted Accessory Uses to Approved Conditional Use:
(1) Carports and garages (private)
(2) Gardening, tool, and storage sheds incidental to the residential use.
(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
(4) Home occupations and professional home offices. [see Section 17.0501(d)]
(5) Solar collectors attached to the principal structure.
(6) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:
(1) Bed and breakfast establishments as provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
(2) Licensed community and other living arrangements which have a capacity of at least nine (9), but no more than twenty (20) persons.
(3) Private parks and playgrounds.
(4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.
(5) Solar energy collectors erected as an accessory structure.
(6) Essential services requiring a building.
(7) Functional Family Unit.
(8) Chapter 980 Stats. supervised release use subject to the following standards:
1. The use shall not make the community unsafe;
2. The use shall not be proximate to a sensitive location;
3. The facility shall be secure;
4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;
5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;
6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;
7. The use shall not be located proximate to the residence of other persons on supervised release;
8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;
9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and
10. The use shall not be proximate to a residential subdivision.

(d) Development Standards for Parks Without Platted Lots:
(1) The minimum mobile home park size shall be five (5) acres.
(2) The minimum mobile home park width shall be 300 feet at the street right-of-way line.
(3) The maximum number of mobile home sites within a mobile home park shall be 7.2 per net acre.
(4) A minimum of ten (10) percent of the mobile home park development area, exclusive of streets, shall be devoted to common recreational uses.
(5) No mobile home unit shall be located closer than twenty-five (25) feet to a mobile home park exterior lot line.
(6) The minimum setback between a mobile home unit and a service road shall be fifteen (15) feet.
(7) The minimum distance between mobile home units shall be twelve (12) feet.
(8) All drives and service roads shall be a minimum of twenty (20) feet wide.
(9) All drives, service roads, parking areas, and walkways shall be surfaced with concrete or asphalt.
(10) There shall be a minimum of two (2) parking spaces available adjacent to each

mobile home unit. Each parking area shall be at least 400 square feet in area; shall be well drained; and shall be surfaced with concrete or asphalt.

(11) Visitor parking shall be provided in the mobile park at the rate of one (1) space per mobile home site. Supplemental parking areas shall be provided in each mobile home park for boats, camping trailers, and utility trailers. No such equipment shall be parked on any mobile home site.

(12) Each mobile home shall either be placed on a foundation or on a concrete pad. If it is to be placed on a foundation, the foundation shall be of a type recommended by the unit manufacturer and approved by the Building Commissioner or a designee If it is to be placed on a pad, the pad shall be at least four (4) inches thick over an approved gravel base, and be at least equal in width and length to the mobile home unit being placed on the pad.

(13) The space between the unit and the pad shall be enclosed, but only with the use of noncombustible materials such as aluminum or fiberglass. Such skirting materials shall be of a type compatible with the material and color scheme of the mobile home unit. No person occupying or owning a mobile home or a licensee of a mobile home park shall build or cause to be erected any lean-to, shed, or addition to a mobile home without the approval of the Building Commissioner or a designee. Nothing herein contained shall prohibit the use of stabilization measures, nor shall this paragraph prohibit attachment to a mobile home of a shelter roof, provided that such roof does not extend more than eight (8) feet into a side yard, or extend more than twenty (20) feet in length, or extend beyond the length of the mobile home. Such roof and its supporting members shall be constructed entirely of noncombustible materials and the roof section together with its framing shall not be less than six (6) feet above the grade immediately beneath any point of the roof section.

(14) Each mobile home may have adjacent to it, a freestanding accessory building not exceeding 120 square feet in area and a garage not exceeding 280 square feet in area; provided that neither building is located closer than ten (10) feet from any other building or structure.

(15) All mobile homes shall be provided with City water, sanitary sewer, and storm sewer facilities.

(16) Where portable fuel tanks are utilized, they shall be placed at the rear or side of the mobile home in as close proximity to the rear of the unit as possible.

(17) All electric, telephone, and cable TV lines shall be installed underground; except where determined unfeasible or otherwise undesirable by the Plan Commission.

(18) Every mobile home park shall submit a solid waste disposal plan. Garbage and rubbish shall be collected weekly and disposed of by the park owner in accordance with the approved plan.

(19) No business or commercial use, except permitted home occupations, shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and a manager's office are permitted.

(20) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by either:

a. A grassed earthen berm of a least six (6) feet in height.

b. A fence of uniform material that is at least six (6) feet in height and provides an effective visual screen.

c. A densely planted line of coniferous plants that will grow to a height of at least six (6) feet within three years of planting.

d. Any combination of the aforementioned that provides a visual screen and is at least six (6) feet in height.

(21) The total minimum floor area of the mobile home shall be 980 square feet.

(22) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.

(23) A site plan for the entire mobile home park shall be submitted to the Plan Commission for review and approval prior to any construction within the park.

(e) Park Development Standards for Parks With Platted Lots:

(1) The minimum mobile home park size shall be five (5) acres.

(2) The minimum mobile home park width shall be 300 feet at the street right-of-way line.

(3) The maximum number of mobile home sites within a mobile home park shall be 7.2 per net acre.

(4) A minimum of ten (10) percent of the mobile home park development area, exclusive of streets, shall be devoted to common recreational uses.

(5) The minimum lot area for a mobile home shall be 6,000 square feet. The minimum lot width shall be fifty (50) feet with corner lots being not less than sixty (60) feet.

(6) No mobile home unit shall be located closer than twenty-five (25) feet to a mobile home park exterior lot line.

(7) The minimum setback between a mobile home unit and a service road shall be fifteen (15) feet.

(8) The minimum distance between mobile home units shall be twelve (12) feet.

(9) All drives and service roads shall be a minimum of twenty (20) feet wide.

(10) The minimum rear setback for mobile homes is twenty (20) feet.

(11) All drives, service roads, parking areas, and walkways shall be surfaced with concrete or asphalt.

(12) There shall be a minimum of two (2) parking spaces per mobile home unit located on each lot. Each parking area on each lot shall be at least 400 square feet in area; shall be well drained; and shall be surfaced with concrete or asphalt.

(13) Visitor parking shall be provided in the mobile park at the rate of one (1) space per mobile home site. Supplemental parking areas shall be provided in each mobile home park for boats, camping trailers, and utility trailers. No such equipment shall be parked on any mobile home site.

(14) Each mobile home shall either be placed on a foundation or on a concrete pad. If it is to be placed on a foundation, the foundation shall be of a type recommended by the unit manufacturer and approved by the Building Commissioner or a designee. If it is to be placed on a pad, the pad shall be at least four (4) inches thick over an approved gravel base, and be at least equal in width and length to the mobile home unit being placed on the pad.

(15) The space between the unit and the pad shall be enclosed, but only with the use of noncombustible materials such as aluminum or fiberglass. Such skirting materials shall be of a type compatible with the material and color scheme of the mobile home unit. No person occupying or owning a mobile home or a licensee of a mobile home park shall build or cause to be erected any lean-to, shed, or addition to a mobile home without the approval of the Building Commissioner or a designee Nothing herein contained shall prohibit the use of stabilization measures, nor shall this paragraph prohibit attachment to a mobile home of a shelter roof, provided that such roof does not extend more than eight (8) feet into a side yard, or extend more than twenty (20) feet in length, or extend beyond the length of the mobile home. Such roof and its supporting members shall be constructed entirely of noncombustible materials and the roof section together with its framing shall not be less than six (6) feet above the grade immediately beneath any point of the roof section.

(16) Each mobile home site may contain a freestanding accessory building not exceeding 120 square feet in area and a garage not exceeding 280 square feet in area; provided that neither accessory building is located closer than five (5) feet to a side or rear lot line, or ten (10) feet from any other structure.

(17) All mobile homes shall be provided with City water, sanitary sewer, and storm sewer facilities.

(18) Where portable fuel tanks are utilized, they shall be placed at the rear or side of the mobile home in as close proximity to the rear of the unit as possible.

(19) All electric, telephone, and cable TV lines shall be installed underground, except where determined unfeasible or otherwise undesirable by the Plan Commission.

(20) Every mobile home park shall submit a solid waste disposal plan. Garbage and rubbish shall be collected weekly and disposed of by the park owner in accordance with the approved plan.

(21) No business or commercial use, except permitted home occupations, shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and a manager's office are permitted.

(22) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by either:

a. A grassed earthen berm of a least six (6) feet in height.

b. A fence of uniform material that is at least six (6) feet in height and provides an effective visual screen.

c. A densely planted line of coniferous plants that will grow to a height of at least six (6) feet within three years of planting.

d. Any combination of the aforementioned that provides a visual screen and is at least six (6) feet in height.

(23) The total minimum floor area of the mobile home shall be 980 square feet.

(24) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.

(25) A site plan for the entire mobile home park shall be submitted to the Plan Commission for review and approval prior to any construction within the park.

Ordinance # 2342 A 4/4/05 Sec. 17.0309(c)(7)
Ordinance # 2342 A 4/4/05 Sec. 17.0309(c)(8)
Ordinance # 2455, A 5/1/07, Sec. 17.0309(b)(6)
Ordinance # 2455, A 5/1/07, Sec. 17.0309(d)(12)
Ordinance # 2455, A 5/1/07, Sec. 17.0309(d)(13)
Ordinance # 2455, A 5/1/07, Sec.17.0309(e)(14)
Ordinance # 2455, A 5/1/07, Sec. 17.0309(e)(15)

SEC. 17.0310 Rd-1 TWO-FAMILY RESIDENTIAL DISTRICT

The Rd-1 Residential District is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre.

(a) Permitted Uses:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Licensed community and other living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(4) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.

(5) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.

(6) Essential services.

(b) Permitted Accessory Uses:

(1) Private garages and carports.

(2) Gardening, tool, and storage sheds incidental to the residential use.

(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(4) Home occupations and professional home offices. [see Section 17.0501(d)]

(5) Private swimming pools.

(6) Private tennis courts.

(7) Solar collectors attached to the principal structure.

(8) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Licensed community and other living arrangements which have a capacity of at least nine (9), but no more than twenty (20) persons per lot.

(2) Private parks and playgrounds.

(3) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any side or rear lot line.

(4) Solar energy collectors erected as an accessory structure.

(5) Utilities requiring a building.

(6) Functional Family Unit.

(7) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home, as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider

certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 15,000 square feet in area and shall have a lot width of not less than 100 feet. Corner lots shall have a lot width of not less than 110 feet.

(e) Building Height and Area:

(1) No principal building or part of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a two-family building shall be 2,000 square feet with a basement and 2,400 square feet without a basement. One of the units, however, shall not be less than 850 square feet.

(3) The minimum first floor area of a two-family building having more than one story shall be 1,000 square feet.

(4) The total minimum floor area of a single-family building shall be 980 square feet with a basement and 1,180 without a basement.

(5) The minimum first floor area of a single-family building having more than one story shall be 780 square feet.

(6) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed fifty (50) percent of the lot area.

(7) All two-family buildings shall have an attached garage.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal residential buildings of not less than ten (10) feet in width; Additionally, where a side-entry garage exists, the setback shall be not less than twenty-seven (27) feet in width as measured along a line perpendicular from and starting at the closest point on a garage door opening to the side lot line.

(3) There shall be a rear setback of not less than thirty (30) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this Chapter.

Ordinance # 2013 A 7/6/99 Sec. 17.0310(g)(2)
Ordinance # 2149 A 8/6/01 Sec. 17.0310(f)(2)
Ordinance # 2342 A 4/4/05 Sec. 17.0310(c)(6)
Ordinance # 2342 A 4/4/05 Sec. 17.0310(c)(7)
Ordinance # 2375 A 10/4/05 Sec. 17.0310(f)(2)
Ordinance # 2455, A 5/1/07, Sec. 17.0310(b)(8)

SEC. 17.0311 Rm-1 MULTI-FAMILY RESIDENTIAL DISTRICT

The Rm-1 Residential District is intended to provide for multi-family residential development at densities ranging from 5 to 14.5 dwelling units per net acre. The permitted density of a project with a mix of efficiency, one-bedroom, two-bedroom, three-bedroom and four-bedroom dwelling units shall be calculated based on the proportionate share of each dwelling unit type.

(a) Permitted Uses:

(1) Two-family dwellings.

(2) Multi-family dwellings not to exceed four (4) dwelling units per structure.

(3) Licensed community and other living arrangements which have a capacity for fifteen (15) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.

(4) Licensed foster family homes subject to the regulations set forth in Section 48.62 of the Wisconsin statutes.

(5) Licensed family day care homes subject to the regulations set forth in Section 48.65 of the Wisconsin statutes.

(6) Essential services.

(b) Permitted Accessory Uses:

(1) Private garages and carports.

(2) Gardening, tool, and storage sheds incidental to the residential use.

(3) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(4) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

(1) Multiple-family dwellings in excess of four (4) dwelling units per structure.

(2) Licensed community and other living arrangements which have a capacity of sixteen (16) or more persons.

(3) Housing for the elderly provided that the density of such housing shall not exceed twenty-seven (27) units per acre and shall meet the minimum per unit building area specified below.

(4) Rest homes, nursing homes, clinics, and children's nurseries provided that all principal structures are not closer than fifty (50) feet to any side or rear lot line.

(5) Private parks and playgrounds.

(6) Utility substations, municipal wells, pumping stations, and towers provided

that the use is not less than fifty (50) feet from any side or rear lot line.

(7) Solar energy collectors erected as an accessory structure.

(8) Functional Family Unit.

(9) Chapter 980 Stats. supervised release use subject to the following standards:

1. The use shall not make the community unsafe;

2. The use shall not be proximate to a sensitive location;

3. The facility shall be secure;

4. The use shall be located so as to allow for the accessibility to treatment for the use occupant;

5. The property supporting the use shall remain taxable or any approval of the use shall be conditioned upon payments to be made in lieu of property taxes;

6. The provision of tax incentives to the City to compensate for adverse impacts and increased service levels resulting from the use;

7. The use shall not be located proximate to the residence of other persons on supervised release;

8. The use shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under Sec. 301.46(2m)(a) or (am), Stats.;

9. The use shall not be located proximate to any facility for children (which means a public or private school, a group home, as defined in Sec. 48.02(7), Stats., a residential care center for children and youth, as defined in Sec. 48.02(15d), Stats., a shelter care facility, as defined in Sec. 48.02(17), Stats., a foster home as defined in Sec. 48.02(6), Stats., a treatment foster home, as defined in Sec. 48.02(17q), Stats., a day care center licensed under Sec. 48.65, Stats., a day care program established under Sec. 120.13(14), Stats., a day care provider certified under Sec. 48.651, Stats., or a youth center, as defined in Sec. 961.01(22), Stats.); and

10. The use shall not be proximate to a residential subdivision.

(d) Lot Area and Width:

(1) Lots shall be a minimum of 15,000 square feet in area, and no dwelling unit shall have a lot area of less than the following:

a. Efficiency and one-bedroom apartments--3,000 square feet per dwelling unit.

b. Two-bedroom apartments--4,500 square feet per dwelling unit.

c. Three-bedroom apartments--6,000 square feet per dwelling unit.

d. Four-bedroom or larger apartments--8,700 square feet per dwelling unit.

(2) Lots shall have a lot width of not less than 100 feet. Corner lots shall have a lot width of not less than 110 feet.

(e) Building Height and Area:

(1) No principal building or part of a principal building shall exceed fifty (50) feet in height provided that the building is limited to a maximum of three (3) habitable stories. No accessory building shall exceed seventeen (17) feet in height.

(2) The total minimum floor area of a principal building shall be as follows:

a. Efficiency dwelling unit--350 square feet per dwelling unit.

b. One-bedroom dwelling unit--500 square feet per dwelling unit.

c. Two-bedroom dwelling unit--700 square feet per dwelling unit.

d. Three-bedroom dwelling unit--1,000 square feet per dwelling unit.

e. Four-bedroom or larger dwelling unit--1,300 square feet per dwelling unit.

(3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed fifty (50) percent of the lot area.

(f) Setbacks:

(1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.

(2) There shall be a side setback on each side of all principal buildings of not less than ten (10) feet in width. No multi-family residential structure shall be located closer than fifty (50) feet to a single-family district line.

(3) There shall be a rear setback of not less than twenty-five (25) feet.

(4) Accessory buildings and structures shall be provided with a rear and side setback in accord with Section 17.0501 of this Chapter.

(g) Unit Densities:

(1) For projects with all buildings in the project designed to be within the same parcel of land and under the same ownership:

a. Efficiency and one-bedroom units 18.2 dwelling units per net acre.

b. Two-bedroom units 14.5 dwelling units per net acre.

c. Three-bedroom units 9.7 dwelling units per net acre.

d. Four or more bedroom units 7.3 dwelling units per net acre.

(2) For projects with all buildings in the project designed to be located on individual lots and under separate and different ownership:

a. Efficiency and one-bedroom units 14.5 dwelling units per net acre.

b. Two-bedroom units 9.7 dwelling units per net acre.

c. Three-bedroom units 7.3 dwelling units per net acre.

d. Four or more bedroom units 5.0 dwelling units per net acre.

Ordinance # 2027 A 8/17/99 Sec. 17.0311(e)(1)
Ordinance # 2342 A 4/4/05 Sec. 17.0311(c)(8)
Ordinance # 2342 A 4/4/05 Sec. 17.0311(c)(9)
Ordinance # 2455, A 5/1/07, Sec. 17.0311(b)(4)

BUSINESS DISTRICTS

SEC. 17.0312 B-1 LOCAL BUSINESS DISTRICT
The B-1 Local Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of the local neighborhood, and for which the character, appearance, and operation are compatible with the character of the surrounding area.

(a) Permitted Uses: The following are permitted uses, provided that there is no outdoor storage of merchandise:
- (1) Bakeries where not more than fifty (50) percent of the gross floor area is devoted to the processing of bakery goods; and not employing more than five (5) persons at any one time.
- (2) Banks, savings and loan associations, and other financial institutions with no drive-through facilities.
- (3) Barber shops.
- (4) Beauty shops.
- (5) Book or stationery stores.
- (6) Business offices.
- (7) Camera and photographic supply stores.
- (8) Clothing stores.
- (9) Confectioneries and ice cream stores.
- (10) Convenience food store.
- (11) Delicatessens.
- (12) Drug stores.
- (13) Florists.
- (14) Essential services.
- (15) Furriers and fur apparel.
- (16) Gift stores.
- (17) Hobby and craft shops.
- (18) Insurance sales offices.
- (19) Jewelry stores.
- (20) Medical and dental clinics.
- (21) Messenger services.
- (22) Law offices.
- (23) Liquor stores.
- (24) Music stores.
- (25) Newspaper and magazine stores.
- (26) Office supplies and business machine stores.
- (27) Optical stores.
- (28) Pet stores and pet grooming.
- (29) Plumbing and heating supplies.
- (30) Professional offices.
- (31) Real estate sales offices.
- (32) Restaurants, except drive-in restaurants. No live entertainment other than music or dancing shall be permitted.
- (33) Self service laundry and dry-cleaning establishments.
- (34) Shoe stores and leather goods stores.
- (35) Soda fountains and ice cream stores.
- (36) Sporting goods stores.
- (37) Stock brokers and securities dealers.
- (38) Tailor or dressmaking shops.
- (39) Tobacco stores.
- (40) Travel agency.
- (41) Variety stores.
- (42) Video tape sales and rental.

(b) Permitted Accessory Uses:
- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.
- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Solar collectors attached to the principal structure.

(c) Conditional Uses:
- (1) Banks, savings and loan associations, and other financial institutions with drive-through facilities.
- (2) Restaurants with drive-in or drive-through facilities. No drive-in restaurant shall sell or dispense alcoholic beverages. No drive-through restaurants shall sell alcoholic beverages through a drive-through window. All drive-in/drive-through restaurants must also have indoor dining areas unless they meet the following criteria: 1) The restaurant

must be located on lot no less than (1) acre in size, (2) The restaurant shall be located in a permanent building with a minimum size of 1,500square feet. (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.

(3) Funeral homes provided all principal uses and structures are not less than twenty-five (25) feet from any side or rear lot line.

(4) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line or no closer than fifty (50) feet from any residential district boundary line.

(5) Group day care centers.

(6) Temporary uses.

(7) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.

(8) Solar energy collectors erected as an accessory structure.

(d) Lot Area and Width: Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(e) Building Height and Area:

(1) No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The maximum building floor area shall be 5,000 square feet.

(3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) Setback and Yards:

(1) There shall be a minimum building front setback of twenty-five (25) feet from the right-of-way of all streets.

(2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet. However this may be increased upon the recommendation of the City Engineer in order to accommodate the required grading between properties.

(3) There shall be a rear setback of not less than twenty (20) feet.

(4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance 2392, A 2/7/06, Sec. 17.312(a)(2) & (c)
Ordinance 2549 A 4/6/09, Sec. 17.0312(c)2

SEC. 17.0313 B-2 COMMUNITY BUSINESS DISTRICT

The B-2 Community Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wider range of retail products and services than are provided in B-1 Local Business Districts. The character, appearance, and operation of any business in the district should be compatible with any surrounding areas.

(a) Permitted Uses: The following are permitted uses, provided that there is no outdoor storage of merchandise:

(1) Any use permitted in the B-1 Local Business District.

(2) Antique and collectors stores.

(3) Art galleries.

(4) Art supply stores.

(5) Catering services.

(6) Clubs, fraternities, and sororities.

(7) Coin and philatelic stores.

(8) Confectioneries and ice cream stores.

(9) Currency exchanges.

(10) Dog obedience training facilities when conducted entirely within an enclosed structure.

(11) Electronic equipment sales, service, and repair.

(12) Fish markets.

(13) Fruit stores.

(14) Interior decorators.

(15) Janitorial supplies and services.

(16) Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.

(17) Meat markets.

(18) Neighborhood food store.

(19) Paint, glass, and wallpaper stores.

(20) Photography and art studios.

(21) Physical fitness centers.

(22) Printing services, limited to no more than 2,000 square feet of floor area.

(23) Public utility offices.

(24) Radio and television broadcast or recording studios, not including transmitting towers.

(25) Taverns and cocktail lounges.

(26) Testing laboratories.
(27) Upholstering.
(28) Vegetable stores.

(b) Permitted Accessory Uses:
(1) Garages used for storage of vehicles used in conjunction with the operation of the business.
(2) Off-street parking and loading areas.
(3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.
(4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
(5) Solar collectors attached to the principal structure.

(c) Conditional Uses:
(1) Any conditional use permitted in the B-1 Local Business District.
(2) Any permitted use in the B-2 Community Business District with a building area 60,000 square feet.
(3) Outdoor display of retail merchandise.
(4) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.
(5) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls, and indoor skating rinks.
(6) State of Wisconsin certified adult day care facilities.

(d) Lot Area and Width: Lots in the B-2 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(e) Building Height and Area:
(1) No principal building or parts of a principal building shall exceed forty-five (45) feet in height. No accessory building shall exceed seventeen (17) feet in height.
(2) The maximum building floor area for any permitted use shall be 60,000 square feet.
(3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) Setbacks:
(1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
(2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
(3) There shall be a rear setback of not less than twenty-five (25) feet.
(4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance 2372, A 9/20/05, Sec. 17.0313(c)(2) & (e)(2)
Ordinance 2392, A 2/7/06, Sec. 17.0313
Ordinance 2425, A 9/5/06, Sec 17.0313(c)(6)

SEC. 17.0314 B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT

The B-3 Office and Professional Business District is intended to provide for individual or groups of buildings limited to office, professional, and special service uses where the office use would be compatible with other adjacent uses.

(a) Permitted Uses:
(1) Administrative and public service offices.
(2) Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, Christian science practitioner, dentist, optometrist, clergy, or other similarly recognized profession.
(3) Studios for photography, painting, music, sculpture, dance, pottery and jewelry.

(4) Banks, savings and loan, and other financial institutions with no drive-through facilities.
(5) Barber shops and beauty shops.
(6) Group day care centers with no outdoor activity areas.
(7) Interior decorators.
(8) Medical and dental clinics.
(9) Real estate and insurance sales offices.
(10) Video productions.
(11) Licensed massage therapy and body work as certified by the State.

(b) Permitted Accessory Uses:
(1) Garages used for storage of vehicles used in conjunction with the operation of the business.
(2) Cafeterias, delicatessens, and restaurants accessory to and located witin the same building as a permitted use.
(3) Off-street parking and loading areas.
(4) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.
(5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
(6) Solar collectors attached to the principal structure.

(c) Conditional Uses:
(1) Banks, savings and loan associations, and other financial institutions with drive-through facilities.
(2) Group day care centers with outdoor activity areas.
(3) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.
(4) Radio and television transmitting and receiving stations, and studios.
(5) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
(6) Solar energy collectors erected as an accessory structure.
(7) State of Wisconsin certified adult day care facilities.

(d) Lot Area and Width: Lots shall have a minimum area of 10,000 square feet and shall have a lot width of not less than seventy-five (75) feet. Corner lots shall have a lot width of not less than eighty-five (85) feet.

(e) Building Height and Area:
(1) No principal building or parts of a principal building shall exceed fifty-five (55) feet in height. No accessory building shall exceed seventeen (17) feet in height.
(2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) Setbacks:
(1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
(2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
(3) There shall be a rear setback of not less than twenty-five (25) feet.
(4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance # 2261 A8/4/03 Sec. 17.0314(a)11
Ordinance 2392, A 2/7/06 Sec. 17.0314(z)(4) &(c)(1)
Ordinance 2425, A 9/7/06, Sec. 17.0314(c)(7)
Ordinance 2564, A8/3/09, Sec. 17.0314(e)(2)

SEC. 17.0315 B-4 HIGHWAY BUSINESS DISTRICT

The B-4 Highway Business District is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county 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 need of such traffic.

(a) Permitted Uses:
  (1) Any use permitted in the B-2 Community Business District.
  (2) Appliance stores.
  (3) Bowling alleys.
  (4) Building supply stores; excluding lumber yards.
  (5) Department stores.
  (6) Equipment rental with only inside storage facilities.
  (7) Funeral homes.
  (8) Furniture stores.
  (9) Indoor tennis and racquetball courts, physical fitness centers and health clubs.
  (10) Garden centers.
  (11) Grocery stores.
  (12) Hardware stores.
  (13) Mail order service stores.
  (13) Restaurants, without drive-in or drive-through facilities.
  (14) Theaters and other amusement places.
  (16) Utility offices.
  (17) Automotive parts and accessories without installation.

(b) Permitted Accessory Uses:
  (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
  (2) Off-street parking and loading areas.
  (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses

  (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
  (5) Solar collectors attached to the principal structure.

(c) Conditional Uses:
  (1) Any conditional use permitted in the B-2 Community Business District.
  (2) Animal hospitals.
  (3) Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
  (4) Car washes.
  (5) Contractor's offices and shops, provided that there shall be no outdoor storage of equipment and materials.
  (6) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
  (7) Hotels and motels
  (8) Lumber yards, millwork, saw mills, and planing mills.
  (9) Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.
  (10) Restaurants with drive-in or drive-through facilities. No drive-in restaurant shall sell or dispense alcoholic beverages. No drive-through restaurants shall sell alcoholic beverages through a drive-through window. All drive-in/drive-through restaurants must also have indoor dining areas unless they meet the following criteria: (1) The restaurant must be located on lot no less than one (1) acre in size, (2) The restaurant shall be located in a permanent building with a minimum size of 1,500 square feet, (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.
  (11) Licensed massage therapy and body work as certified by the State of Wisconsin.
  (12) Licensed tattoo and/or body piercing establishments.

(d) Lot Area and Width: Lots shall have a minimum area of 30,000 square feet and shall be not less than 150 feet in width.

(e) Building Height and Area:
  (1) No principal building or parts of a principal building shall exceed fifty (50) feet

in height. No accessory building shall exceed seventeen (17) feet in height.

(2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) Setback and Yards:

(1) There shall be minimum front setback of twenty-five (25) feet from the right-of-way of all streets.

(2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet.

(3) There shall be a rear setback of not less than twenty-five (25) feet.

(4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance #2185 A8/20/02 Sec. 17.0316 Repealed
Ordinance # 2386, A 12/20/05 Sec. 17.0315(a)(15) and17.0315(c)(9)
Ordinance 2392, A 2/7/06, Sec. 17.0315

Ordinance 2489, A 1/15/08, Sec. 17.0315(a)&(c)
Ordinance 2536, A 12/16/08, Sec. 17.0315(c(11)
Ordinance 2549, A 4/6/09, Sec. 17.0315(c)(10)
Ordinance 2567, A 10/20/09, Sec. 17.0315(c)(10)

SEC. 17.0316: B-6 INTERCHANGE REGIONAL RETAIL DISTRICT – The B-6 Interchange Regional Retail District is intended to provide for the orderly and attractive grouping of high-intensity retail, commercial and mixed uses along the federal interstate highway system. Areas that may be designated as part of the B-6 district shall be limited to contiguous premises that abut the federal interstate highway system, and at least one (1) premises shall include a Destination Retail building with a gross floor area of 250,000 square feet or more. The zoning regulations applicable to the B-6 District set forth in this Section 17.0316 override and supersede any and all contrary provisions in Chapter 17 of the Municipal Code. In the event that any other provisions of Chapter 17 are contrary to any provisions in this Section 17.0316, the provisions of this Section 17.0316 shall control.

a. Definitions:

(1) Destination Retail. A type of store that attracts regional customers as their ultimate destination.

(2) High-intensity uses. Uses which (a) are logically dependent upon, and can offer regional access within, one-half mile of freeway interchange entrances and exits, (b) draw customers from a trade area that extends beyond the Seven-County Southeastern Wisconsin Region, and (c) incorporate Destination Retail.

(3) Seven-County Southeastern Wisconsin Region. The region of Wisconsin comprised of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.

b. Permitted uses:

(1) Appliance Stores.
(2) Banks, savings and loan associations, and other financial institutions.
(3) Confectioneries and ice cream stores.
(4) Delicatessens.
(5) Department stores.
(6) Electronic stores.
(7) Furniture stores.
(8) Hardware stores.
(9) Interior decorators and home interiors.
(10) Private indoor physical fitness centers and health clubs.
(11) Offices including medical office buildings.
(12) Restaurants, without drive-in or drive-through facilities.
(13) Specialty food stores.
(14) Theaters.
(15) Shoe stores.
(16) Clothing stores.
(17) Jewelry stores.
(18) Hospitals and day surgery clinics.

c. Permitted accessory uses:

(1) Cafeterias, delicatessens, bistros, and restaurants accessory to and located within the same building as the permitted use.
(2) Cart storage areas and enclosures.
(3) Customer pickup areas used in conjunction with the operation of business.
(4) Garages used for storage of vehicles used in conjunction with the operation of the business.
(5) Garden centers attached to and primarily accessed from the principal structure.
(6) Grocery stores within and accessory to a Destination Retail building.
(7) Off-street parking and loading areas used in conjunction with the operation of the business.
(8) Solar collectors attached to and only serving the principal structure.
(9) Supervises and unsupervised children's play areas located within the same building as the permitted Destination Retail use.
(10) Warehouse and office uses accessory to and located within the same building as a permitted Destination Retail use, provided that

such uses may occupy greater floor area than the permitted use so long as the building has a gross floor area of 250,000 square feet or more.

d. Conditional uses:
   (1) Hotels.
   (2) Restaurants with drive-in or drive-through facilities. No drive-in or drive-through restaurant shall sell or dispense alcoholic beverages. All drive-in/drive-through restaurants must also have indoor dining areas.
   (3) Solar energy collectors erected as accessory structures and serving only the principal structure.
   (4) Multi-family dwellings meeting the provisions of Section 17.0311(a) or (c) of the Municipal Code and further provided that they are part of a mixed use development.
   (5) Outdoor storage, sales and/or display of retail merchandise.

e. Lot area and width.
   Lots shall have a minimum area of 40,000 square feet and shall not be less than 150 feet in width. Lots shall provide sufficient area and width for the principal structure(s), off-street parking and loading areas, and required setbacks.

f. Building height and area:
   (1) No principal building or parts of a principal building shall exceed eighty (80) feet or six (6) stories in height, whichever is higher. No accessory building shall exceed thirty-five (35) feet in height, subject to regulations and permitting requirements under the jurisdiction of the Federal Aviation Administration and Milwaukee County.
   (2) The sum total of building footprints shall not exceed forty (40) percent of the lot area.

g. Building setbacks and yards:
   (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all public streets excluding interstate highways. Setbacks from interstate highways shall be governed by federal requirements.
   (2) There shall be a side setback on each side of not less than ten (10) feet.
   (3) There shall be a rear setback of not less than fifteen (15) feet.

h. Loading:
   Notwithstanding any contrary provision of Section 17.0402, the minimum number of loading and unloading spaces required for Destination Retail premises containing a building with a gross floor area of 250,000 square feet or more shall be five (5) spaces.

i. Parking:
   Notwithstanding any contrary provision of Sections 17.0403 and 17.0404:
   (1) Buffers, landscape areas and screening for parking lots on Destination Retail premises containing a building with a gross floor area of 250,000 square feet shall be consistent with and requirements set forth in subsection (m) below and plans approved by Plan Commission.
   (2) The minimum number of parking spaces required for Destination Retail premises containing a building with a gross floor area of 250,000 square feet or more shall be (3) spaces per 1,000 square feet of gross floor area.

j. Signs:
   The following signs, subject to the following regulations and with Plan Commission approval and issuance of sign permits, are permitted on a Destination Retail premises which includes a building with a gross floor area of 250,000 square feet or more. All provisions of Sections 17.0701 through 17.0715 of the Municipal Code (Signs) shall apply unless otherwise modified in this Section.
   1. One ground-mounted sign, with one or more sign faces, directed to the interstate highway of no more than one hundred ten (110) feet in height with internally-illuminated sign panels. Each sign face shall have a minimum of six hundred (600) square feet in area. The structural design of signs in excess of 100 feet in height shall be certified by a licensed professional engineer.
   2. One ground-mounted illuminated entrance sign at the main premises entrance of the Destination Retail, which may be up to fifteen (15) feet high and no more than one hundred (100) square feet in area for each sign face, provided such sign is integrated into the architecture and landscape of the District so as to be consistent with the overall character of the District.
   3. Wall signs placed against the exterior walls of buildings provided that said signs do not exceed 10% of the wall area upon which the sign is to be placed. The areas designated for wall signs must be approved by the Plan Commission as part of the site plan and architectural review under (l) below. Wall signs may be comprised of internally-and externally –illuminated channel letter signs, seasonal signs, and shall not block a window or door opening in the structure. Seasonal sign panels may be changed as needed; such seasonal changes do not require Plan Commission approval.
   4. Ground-mounted, illuminated signs in interior parking areas advertising products and services available on the premises of the

Destination Retail building only shall be no more than twelve (12) feet in height. The maximum area of any one sign face is two hundred (200) square feet. The maximum total area of all ground-mounted, illuminated signs shall be sixteen hundred (1,600) square feet. Ground-mounted wayfinding sign may be no more than eight (8) feet in height with the maximum area of any one sign face to be fifteen (15) square feet. The maximum total area of all ground-mounted wayfinding sign shall be five hundred (500) square feet.

5. Commercial flags (which may display a company logo or name) on flagpoles no more than forty (40) feet in height from the ground, with a maximum individual flag face area of one hundred twenty (120) square feet. No more than twenty-found (24) flags are permitted on a single lot.
6. One off-premise sign, benefitting all the premises within the District, but featuring identification for Destination Retail within the District for a building with a gross floor area of 250,000 square feet or more, provided that such sign is located within the District, located with an easement benefitting the Destination Retail lot, such sign is no greater than fifteen (15) feet in height and such sign is integrated into the landscape of the District so as to be consistent with the overall character of the District.

The following signs, subject to the following regulations and with Plan Commission approval and issuance of sign permits, are permitted on retail premises in this District which include a building with a gross floor area of less than 250,000 square feet. All provisions of Section 17.0701 through 17.0715 of the Municipal Code (Signs) shall apply unless otherwise modified in this Section:

1. One ground-mounted sign for the entire District (excluding Destination Retail for a building with a gross floor area of 250,000 square feet or more, which may have its own ground mounted sign), with one or more sign faces, which may include multiple businesses within the District, provided such sign is integrated into the landscape and architecture of the District so as to be consistent with the overall character of the District, directed to the interstate highway of no more than sixty (60) feet in height with internally-illuminated sign panels. Each sign face shall have a maximum of three hundred (300) square feet in area.
2. One ground-mounted illuminated entrance sign at each premises entrance, each of which may be up to ten (10) feet high and no more than one hundred (100) square feet in area.
3. Flags (which may not display a company logo or name) on flagpoles no more than forty (40) feet in height, with a maximum individual flag face area of one hundred twenty (120) square feet. No more than three (3) flags are permitted on a single lot.
4. One off-premise sign benefitting all premises within the District, provided that such sign is located within the District, located within an easement benefitting the lots, such sign is no greater than fifteen (15) feet in height and such sign is integrated into the landscape and architecture of the District so as to be consistent with the overall character of the District.

k. Outdoor Lighting

Notwithstanding any contrary provisions of Sections 17.0808 to the contrary:

1. The maximum allowable light trespass shall be 0.5 horizontal foot candles four feet above the ground.
2. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4.1.
3. The lighting system shall be extinguished or reduced to fifty (50) percent no later than one (1) hour after the close of business for the day.
4. For outdoor merchandising areas, the maximum level in 75% of the lot shall not exceed 20 foot candles. A contiguous area not to exceed 25% of the lot may be illuminated to a level which shall not exceed 40 foot candles.
5. The maximum illumination level under an outdoor canopy shall have a minimum of five (5) foot candles and not exceed ten (10) foot candles at any point.

l. Site plan and architectural review:

All provisions of Section 17.1009 of the Municipal Code are applicable to this subsection except that, the provisions below shall override and supersede in their entirety, the provisions of Section 17.1009 for any premises containing a Destination Retail building that has a gross floor area of 250,000 square feet or more. For the purpose of promoting compatible development stability of property values, and to prevent impairment or depreciation of property values, no person shall erect or modify any structure without first obtaining the approval of detailed site and architectural plans, as set forth in this section, prior to the issuance of a building permit. The Plan Commission shall review architectural plans and site plans showing existing and proposed structures, neighbor-

ing uses, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, the

utilization of landscaping, existing natural resources and the proposed operation in all districts.

(1) Principles. To implement and define criteria for the purposes set forth above, the following principles are established to apply to new structures and uses and to changes or additions to existing structures and uses except as specifically noted to the contrary.

a. No building shall be permitted where any exposed facade is not constructed or faced with high quality and durable materials.

b. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of articulation or modulation of the building footprint and/or changes in building materials and colors on the front elevation. Colors should be visually coordinated, harmonious, and may include features consistent with corporate or franchise practices.

c. Arrangements of uses in a pattern similar to conventional strip malls shall not be allowed.

d. Each principal building shall have a clearly defined, highly-visible customer entrance with features such as canopies, arcades, arches, wing walls, and integral planters.

e. Sides of a building that are visible from adjoining residential properties and/or public streets should feature characteristics similar or complementary to the front façade of the building.

f. No building or use shall be permitted that would have a significant adverse impact on the maintenance of safe and healthful conditions of the City.

g. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The street layout shall be adapted to the topography, unique natural features, environmental constraints of the site, and peripheral open space areas. The street layout shall provide for open space views and surrounding vistas.

h. Buildings and uses shall provide for safe and efficient traffic circulation and driveway locations, and drive-through facilities, where permitted (other than customer pick-up areas), may not be located in the front yard.

i. Buildings and uses shall be provided with adequate access to the public street and highway system as set forth in this Section.

i. Access onto major streets should be minimized to provide safe and efficient traffic flow.

ii. Provisions shall be made for cross access between compatible commercial developments.

iii. Primary commercial access shall not be through residentially-zoned areas.

j. Buildings and uses shall provide adequate parking and loading areas.

i. Loading docks or overhead doors may face upon a street right-of-way only in cases where no practical alternative exists.

ii. Parking should be directed to the side or rear of the lot, where it is less visually intrusive. No more than 50% of the off-street parking for commercial developments directly abutting a public right-of-way shall be located between the front of the building and the primary abutting street unless the overall development design includes smaller buildings or other amenities closer to the street. Uninterrupted parking lots along full street frontage will be discouraged, except where the physical orientation of the lot makes it necessary.

(2) Exceptions for Large Scale Destination Retail. The following principles are established to apply only to premises developed with a Destination Retail building of 250,000 square feet or more of gross floor area:

a. Any exposed building façade shall be constructed or faced with high quality and durable materials, which may include precast and metal panels.

b. Large walls may have less articulation or modulation of the building footprint and/or fewer changes in building materials and colors.

c. It is recognized that buildings of 250,000 square feet or more will seem larger than residential scale and should not be artificially altered.

d. Only the first building of 250,000 square feet or more to be built in any area zoned B-6 Interchange Regional Retail District may incorporate primary colors into more than 10% of its exterior finishes.

(3) Appeals. Any person or persons aggrieved by any decisions of the Plan Commission related to

plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the City Clerk within thirty (30) days after the decision of the Plan Commission.

(4) Modifications and Standards. The Plan Commission may modify any of the standards in subsection (l) above (but not (l)(2)(d) above) by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modification of the particular standard.

m. Landscaping:

All provisions of Sections 17.1010 and 17.0205 of the Municipal Code are applicable to this subsection except that the provisions below shall override or supersede, in their entirety, the provisions of Sections 17.1010 and 17.0205 for any premises containing a Destination Retail building that has a gross floor area of 250,000 square feet or more.

1. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting or equivalent visual density or other effective means. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. Landscaped areas shall include native plantings. At least 50% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, which contribute to ground coverage.

2. Interior Landscape Area. All public off-street parking lots which serve (5) vehicles or more shall be provided with accessory landscaped areas, which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas may be dispersed throughout the off-street parking area and shall include native plantings not exceeding five (5) feet in height. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. Within 100 feet of the entrance elevation of a Destination Retail building in excess of 250,000 square feet, landscape may not exceed three (3) feet in height.

3. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of five native plantings are required for every linear feet and one tree for every 80 linear feet of the perimeter of the parking area where it is adjacent to existing or future parking and located within the perimeter landscape area. This requirement may be modified by the Plan Commission.

4. Buffer Yards. A buffer yard shall be created and maintained where the B-6 Interchange Regional Retail District abuts residential or park districts. Buffer yards shall be a minimum of 20 feet in width, shall be in addition to the required street yards, side yards, and rear yards; and shall screen in such a manner that:

a. If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.

b. Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view, and all walls and fences shall be maintained in a structurally sound and attractive condition.

c. Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare unless the parking lot is more than 40 feet from the residential or park district. Overhead lighting installed in or adjacent to the buffer shall not trespass onto adjacent residential properties. The light source, whether bulb or tube, shall not be visible from adjacent residential properties.

d. No signs shall be permitted on or in any part of the buffer yard.

Ordinance #2807 Sec. 17.0316 A 6/7/16

MANUFACTURING DISTRICT

SEC. 17.0317 M-1 MANUFACTURING DISTRICT

The M-1 Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

It is the intention of the Common Council of the City of Oak Creek to enact regulations for the purpose of promoting health, safety, and general welfare of its citizens.

Pursuant to the City of Oak Creek's authority, it is the intent of the Common Council to adopt by ordinance regulations restricting the location of adult entertainment businesses as defined herein to promote the City of Oak Creek's interest in protecting and preserving the quality of its neighborhoods, commercial districts, and quality of urban life through effective land-use planning.

It has been the experience of other cities including Seattle and Renton, Washington and Detroit, Michigan that adult entertainment businesses can contribute to the impairment of the character and quality of a surrounding residential neighborhood; and contribute to a decline in the value of surrounding properties.

Adult entertainment businesses in proximity to residential areas, churches, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.

The Common Council has reviewed studies distributed by the National Obscenity Law Center in a three volume set that documents the secondary effects of adult entertainment businesses that affect property values, contribute to physical deterioration and blight, have a deleterious effect on both existing business around them and surrounding areas, including increased transiency, increased levels of criminal activities including prostitution, rape, assaults and other sex related crimes. The Common Council is also aware that similar studies have been conducted in other communities across the United States such as St. Paul and Minneapolis, MN; Indianapolis, IN; Hilton Head, SC; Austin, TX; Phoenix, AZ and Los Angeles, CA.

The Common Council believes that the experiences and studies from other communities set forth herein are relevant in addressing the secondary effects adult entertainment businesses can have upon areas surrounding such establishments in the City of Oak Creek.

A reasonable regulation of the location of adult entertainment businesses will provide for the protection of the image of the community and its property values and protect the residents of the community from the adverse secondary effects of an adult entertainment business, while providing to those who desire to patronize adult entertainment businesses, such an opportunity in areas within the City which are appropriate for the location of adult entertainment businesses.

The United States Supreme Court in the case of City of Renton vs. Playtime Theaters, Inc., 475 US 41, 106 S. Ct., 925, 89 L. Ed., 2d, 29 (1986) and Young vs. American Mini Theaters, 427 US 50, 96 S. Ct., 2440, 49 L. Ed., 2d, 310 (1976) have approved efforts by local government to regulate the location of adult entertainment businesses through land-use plans.

The Common Council of the City of Oak Creek conducted a public hearing and heard testimony from proponents and opponents of the proposed ordinance.

The Plan Commission has the adoption of the proposed ordinance as an amendment to our existing zoning code.

The proposed ordinance serves a substantial government interest and does not unreasonably limit alternative avenue of communication.

The Common Council of the City of Oak Creek, Milwaukee County, Wisconsin do ordain as follows:

(a) Permitted Uses:
   1. Assembly, processing, manufacturing, and/or storage of the following:
      a) Apparel and findings, and related products.
      b) Automatic temperature controls.
      c) Automotive, marine, and aircraft manufacturing.
      d) Automotive parts manufacturing.
      e) Automotive upholstery and automotive accessories.
      f) Beverage manufacturing and bottling.

g) Blank books, loose-leaf binders, and binding devices.
h) Brooms and brushes.
i) Buttons, and miscellaneous notions.
j) Canvas and related products.
k) Cereal preparations.
l) Cleaning, dressing and dyeing.
m) Coating and engraving services.
n) Commercial bakery.
o) Commercial greenhouses.
p) Communications equipment manufacturing.
q) Concrete and related products, but does not include asphalt or concrete plants.
r) Construction, mining, and materials handling machinery and equipment: manufacturing and repair of.
s) Cooperage.
t) Cranes and hoists.
u) Curtains and draperies.
v) Cutlery, hand tools, and general hardware manufacturing.
w) Dental equipment and supplies.
x) Dimension hardwood flooring and veneer processing.
y) Earthenware, table, and kitchen articles manufacturing.
z) Electric lighting and wiring equipment manufacturing.
aa) Electric motors and generators.
bb) Electrical appliances.
cc) Electrical industrial apparatus manufacturing.
dd) Electrical transmission and distribution equipment manufacturing.
ee) Electronic devices.
ff) Electrometallurgical products manufacturing.
gg) Electrotyping and stereotyping.
hh) Engine and turbine manufacturing.
ii) Engineering, laboratory, scientific, and research instruments and related equipment.
jj) Envelopes.
kk) Equipment rental.
ll) Fabric, broad and narrow woven.
mm) Farm machinery and equipment manufacturing.
nn) Felt goods.
oo) Fertilizer Production.
pp) Flags and pennants.
qq) Flavor extracts and flavor syrups.
rr) Floor coverings.
ss) Food Distribution centers.
tt) Food products.
uu) Food products machinery.
vv) Footwear.
ww) Furniture.
xx) Garage door manufacturing, sales and service.
yy) Glass and glass container manufacturing.
zz) Greeting cards.
aaa) Handbags and other personal leather goods.
bbb) Heating apparatus and plumbing fixtures manufacturing.
ccc) Ice.
ddd) Ice cream and frozen desserts.
eee) Industrial adhesives.
fff) Industrial equipment.
ggg) Industrial gases.
hhh) Insulation.
iii) Jewelry manufacturing.
jjj) Laboratories.
kkk) Lamp shades.
lll) Laundries and dry cleaners.
mmm) Lawn and garden equipment manufacturing and storage.
nnn) Luggage.
ooo) Machinery equipment sales and service.
ppp) Machinery parts.
qqq) Machine shops.
rrr) Manifold business forms.
sss) Measuring and control devices.
ttt) Metal container manufacturing.
uuu) Metal products manufacturing, fabricating, and distribution.
vvv) Motorcycle and bicycle manufacturing.
www) Morticians' goods.
xxx) Musical instruments and parts.
yyy) Office, professional and administrative.
zzz) Office, computing, and accounting machine manufacturing.
aaaa) Ophthalmic goods and optical instruments and lenses.
bbbb) Orthopedic, prosthetic, and surgical appliances and supplies.

cccc) Package delivery services.
dddd) Packaging.
eeee) Packaging products.
ffff) Paints and resins.
gggg) Paper coating and glazing.
hhhh) Parking of up to three (3) semi tractors and/or trailers unrelated to the business on whose property they are parked.
iiii) Partitions, shelving, lockers, and office and store fixtures.
jjjj) Pens, pencils, and other office and artist materials.
kkkk) Pharmaceutical processing.
llll) Photoengraving instruments and apparatus.
mmmm) Photographic equipment and supplies.
nnnn) Plaster products.
oooo) Plastics.
pppp) Printing and publishing.
qqqq) Printing equipment.
rrrr) Product design and display.
ssss) Railroads.
tttt) Rice milling.
uuuu) Sanitary paper products.
vvvv) Screw machine products, bolts, nuts, screws, rivets, and washer manufacturing.
wwww) Signaling and fire control equipment manufacturing.
xxxx) Sign and other advertising display manufacturing.
yyyy) Surgical and medical instruments and apparatus.
zzzz) Tire cord and fabric.
aaaaa) Tool and die.
bbbbb) Toys, amusement, sporting and athletic goods.
ccccc) Truck sales and service.
ddddd) Vehicle washing equipment repair.
eeeee) Venetian blinds and shades.
fffff) Wallpaper.
ggggg) Warehousing.
hhhhh) Watches, clocks, clockwork operated devices and parts.
iiiii) Welding.
jjjjj) Wholesaling.
kkkkk) Windows and doors.
lllll) Wire products manufacturing.
mmmmm) Wood products.

2. Adult entertainment businesses, subject to the following restrictions and regulations:
   a. Definitions. The following words, terms and phases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
      1. *Adult entertainment* means any dance, musement, show, display, merchandise, material, exhibition, pantomime, modeling or any other like performance of any type for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" as defined herein, or the exhibition of "specified sexual activities," also defined herein, or in the case of live adult entertainment performances, which emphasizes and seeks to arouse or excite the patrons' sexual desires. For the purposes of this chapter, any patron of an adult entertainment business, as defined in this section, shall be deemed a member of the public.
      2. *Adult entertainment business* means any establishment providing adult entertainment as defined herein, including, but not limited to, adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and exotic dance studio, more specifically defined as follows:
         a. Adult arcade means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panoram, peep show, or similar machines, or other image-producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provide material for individual viewing by patrons on the premises of the business which are characterized by an

emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

b. *Adult bookstore* means an establishment which has a facility or facilities, including, but not limited to, booths, cubicles, rooms or stalls, for the presentation of adult entertainment, including adult oriented films, movies or live performances for observation by patrons therein; or an establishment having as a substantial or significant portion of its stock-in-trade for sale, rent, trade, 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 specified anatomical areas or specified sexual activities as defined below.

c. *Adult motion picture theater* means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.

d. *Adult retail establishment* means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business, service, or portion thereof which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of the business adult entertainment material as defined in this section. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business' stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial.

In determining whether or not the presumption is rebutted, the Common Council may consider the following factors, which are not conclusive:

(i) Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;

(ii) Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;

(iii) Whether adult entertainment material is an establishment's primary or one of its principal business purposes; or

(iv) Whether thirty (30) percent or more of an establishment's revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business pur-

poses is offering for sale or rental, for some form of consideration, the specified adult entertainment materials.

The Common Council shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

3. *Adult entertainment material* means any books, magazines, cards, pictures, periodicals, or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized, by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."
4. *Booths, cubicles, rooms, compartments or stalls* means enclosures as are specifically offered to the public or members of an adult entertainment business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee.
5. *City* means the City of Oak Creek, Wisconsin.
6. *Specified anatomical areas* means:
   a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breast below a point immediately above the top of areolae; or
   b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
7. *Specified sexual activities* means:
   a) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or
   b) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or
   c) Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered.

b. Location of Adult Entertainment Businesses. Adult entertainment businesses as defined in paragraph (1) are prohibited in all zones except the M-1 Manufacturing District, subject to the following restrictions:
   1. No adult entertainment business shall be permitted within 1,000 feet of another adult entertainment business.
   2. No adult entertainment business shall be permitted with 1,000 feet of any hospital, church, school, library, park, museum, playground, day care center, restaurant or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.
   3. No adult entertainment business shall be permitted within 1,000 feet of any area zoned residential.

c. Standards of Measurement. The distances provided in this section shall be measured in a straight line without re-

gard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult entertainment business to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

Ordinance #2185 A 8/21/02 Sec. 17.0317(a)

(b) Permitted Accessory Uses:

(1) Garages used for storage of vehicles used in conjunction with the operation of the business.

(2) Off-street parking and loading areas.

(3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.

(4) Residential quarters for the owner or caretaker; provided that there shall be no more than one such dwelling unit on an industrial site.

(5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.

(6) Solar collectors.

(7) Retail sales of products produced on the premises or products related thereto; provided the square footage of this retail space does not exceed 1,250 square feet.

(c) Conditional Uses:

(1) Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities.

(2) Any manufacturing buildings which exceed fifty-five (55) feet in height.

(3) Animal hospitals and boarding kennels, provided that any outdoor animal facilities are located not less than 300 feet from a residential district.

(4) Asphalt and concrete plants.

(5) Automobile and truck engine and body repair.

(6) Candy and confectionery products.

(7) Car wash facilities.

(8) Chemicals.

(9) Commercial service facilities, such as restaurants, financial institutions, and clinics.

(10) Contractor's offices, shops, and yards with outdoor storage.

(11) Freight yards, freight terminals, and trans-shipment depots.

(12) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.

(13) Government structures, such as fire and police stations.

(14) Hotels and motels.

(15) Inflammable gas and liquids storage in excess of 5,000 gallons, which is accessory to a permitted use, or an approved conditional use.

(16) Lawn and garden equipment manufacturing and storage.

(17) Lumber yards, millwork, saw mills, and planning mills.

(18) Moving and storage services.

(19) Packaging and assembly of products made from fur or animal skins; and animal hide tanning.

(20) Private bus service storage yards.

(21) Processing of grain and feed for animals and fowl, and processing of animal health products.

(22) Public passenger transportation terminals, such as bus and rail depots, and heliports.

(23) Public utility power plants, storage yards, and service centers.

(24) Solar energy collectors erected as an accessory structure.

(25) Smelting of metals.

(26) Storage of animal feeds, fertilizer, seeds, and animal health products.

(27) Temporary uses.

(28) Transmitting towers, receiving towers, and relay and microwave towers and broadcast facilities or studios.

(29) Truck parking lots.

(30) Utility substations, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.

(31) Storage of vehicles and equipment.

(32) Building restoration contractor.

(33) Machinery cleaning.

(34) Plumbing contractor.

(35) Environmental contractor.

(36) Food processing and locker plants, provided that no slaughtering of animals is permitted.

(37) Self-service storage facilities (mini-warehouse).

(38) Indoor firing range, firearms and accessory sales and training operations for firearms and self-defense not within 1,000 feet of a residential district.

(39) Indoor commercial recreation facilities.

d. Lot Area and Width: Lots shall have a minimum area of 43,560 square feet and shall have a lot width of not less than 200 feet.

e. Building Height and Area:

(1) No principal building or parts of a principal building shall exceed fifty-five (55) feet in height.

(2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed eighty (80) percent of the lot area.

f. Setbacks:

(1) There shall be a minimum front setback of forty (40) feet from the right-of-way of all streets.

(2) There shall be a side setback on each side of all buildings of not less than twenty (20) feet. Side yards abutting a railroad right-of-way or storm water drainage channel at least twenty (20) feet in width may be reduced to fifteen (15) feet.

(3) There shall be a rear setback for all buildings of not less than twenty (20) feet. Rear yards abutting a railroad right-of-way or storm water drainage channel that is at least twenty (20) feet in width may be reduced to ten (10) feet.

(4) No building, structure or land within 100 feet of a residence district boundary line shall be used in connection with the operation of any establishment except off-street parking and off-street loading may be located within this area in accordance with regulations set forth in Section 17.0402 and 17.0403 of this Chapter.

Ordinance #2682, A 5/21/13, Sec. 17.0317(c)
Ordinance #2711, A 2/17/14, Sec. 17.0317(c)

INSTITUTIONAL AND PARK DISTRICTS

SEC. 17.0318 I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public, public-related or private ownership and where the use for public purpose is anti-cipated to be permanent. Uses permitted shall generally serve the public benefit.

(a) Permitted Uses:
  (1) Public or private primary and secondary schools.
  (2) Colleges, and universities, excluding fraternity and sorority houses, firing ranges, and outdoor "burn buildings" used for fire fighting instruction.
  (3) Churches.
  (4) Hospitals, sanatoriums, and nursing homes.
  (5) Libraries, community centers, museums, and public art galleries.
  (6) Public administrative offices, and public service buildings, including fire and police stations; but excluding firing ranges and outdoor "burn buildings" used for fire fighting instruction.
  (7) Public utility offices.

(b) Permitted Accessory Uses:
  (1) Residential quarters for caretakers, clergy or institutional staff.
  (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
  (3) Service buildings and facilities normally accessory to the permitted use.
  (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
  (5) Roof-mounted solar collectors.
  (6) Municipally-owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antenna, provided they are located not less than fifty (50) feet from any lot line.
  (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:
  (1) Cemeteries and crematories.
  (2) Housing for the elderly provided that the density shall not exceed 27 units per acre, and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
  (3) Firing ranges and outdoor "burn buildings" associated with a fire station, police station, or college.
  (4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
  (5) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
  (6) Public utility treatment facilities.
  (7) Solar energy collectors erected as an accessory structure.

(d) Lot Area and Width: Lots in the I-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(e) Building Height and Area:
  (1) No principal building or part of a principal building shall exceed fifty-five (55) feet in height.
  (2) Residential uses permitted in the I-1 district shall comply with the building area require-ments of the Rs-2 Single-Family Residential District.

(f) Setbacks:
  (1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.
  (2) There shall be a side setback and rear setback for all principle buildings of not less than fifty (50) feet.
  (3) Accessory buildings and structures shall not exceed thirty-five (35) feet in height and shall be provided with a side and rear setback of not less than five (5) feet if it is 720 square feet in area or less; and fifteen (15) feet if it is greater than 720 square feet in area or greater than seventeen (17) feet in height.

Ordinance #2069 A 5/16/00
Ordinance #2102 A 12/5/00 Sec. 17.0318(b)(6) & (7)
Ordinance # 2455, A 5/1/07, Sec. 17.0318(b)(7)

SEC. 17.0319 P-1 PARK DISTRICT

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the City of Oak Creek can be met without undue disturbance of natural resources and adjacent uses.

(a) Permitted Uses:
  (1) Public botanical gardens and arboretums.
  (2) Public historic monuments or sites.

(3) Public hiking, biking, jogging and nature trails.
(4) Public parks, playgrounds, and parkways.

(b) Permitted Accessory Uses:
(1) Buildings accessory to the permitted use.
(2) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
(3) Solar collectors attached to the principal structure.
(4) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:
(1) Public or private archery ranges.
(2) Private botanical gardens and arboretums.
(3) Private beaches.
(4) Public or private boat mooring and rental.
(5) Private or public campgrounds.
(6) Private driving ranges
(7) Public or private golf courses.
(8) Private gymnasiums.
(9) Private historic monuments or sites.
(10) Private hiking, biking, jogging and nature trails.
(11) Private or public marinas.
(12) Private miniature golf courses.
(13) Private parks, playgrounds, and parkways.
(14) Private riding academies.
(15) Private stadiums.
(16) Private trampoline centers.
(17) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
(18) Solar energy collectors erected as an accessory structure.

(d) Building Height and Area:
(1) No building or part of a building shall exceed thirty-five (35) feet in height.
(2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed twenty (20) percent of the lot area.

(e) Setbacks: No building or structure shall be erected, altered, or moved closer than fifty (50) feet to a lot line.

Ordinance # 2455, A 5/1/07, Sec. 17.0319(b)(4)

WETLAND AND FLOODPLAIN DISTRICTS

SEC. 17.0320 C-1 SHORELAND WETLAND CONSERVANCY DISTRICT.

The C-1 Shoreland Wetland Conservancy District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the City of Oak Creek. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native and endangered plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City.

Boundaries of the C-1 Shoreland Wetland Conservancy District were based on the wetlands that were identified on the Wisconsin Wetland Inventory Map for the City of Oak Creek, dated October 28, 1987, and stamped "FINAL". The wetlands included as C-1 are those wetlands that are five (5) acres or more in area and lie within 300 feet of a navigable stream, 1,000 feet from a lake or pond or to the landward side of a floodplain, whichever is greater.

(a) Permitted Uses.

(1) Hiking, fishing, swimming and boating, unless prohibited by other laws and ordinances.

(2) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.

(3) Silviculture (forest maintenance), including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.

(4) Construction and maintenance of fences.

(5) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna (animals), flora (plants), topography, or water regimen.

(6) Aquaculture (the growing of plants and animals in water), provided it does not disturb or impair the natural biota (plants and animals).

(7) The maintenance, repair, replacement, and reconstruction of existing public streets, roads, bridges and drainageways.

(b) Conditional Uses.

(1) <u>The Construction of Streets Which Are Necessary for the Continuity of the City Street System</u>, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:

a. The street cannot as a practical matter be located outside the conservancy district;

b. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 17.1208(b) of this Chapter;

c. The street is designed and constructed with the minimum cross-section practical to serve the intended use;

d. The street construction activities are carried out in the immediate area of the roadbed only; and

e. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

(2) <u>The Construction and Maintenance of Non-residential Buildings</u> used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with natural resource preservation, provided that:

a. The building cannot as a practical matter be located outside the conservancy district;

b. The building is not designed for human habitation and does not exceed 500 square feet in area; and

c. Only limited filling or excavating necessary to provide structural support is conducted.

(3) <u>The Establishment and Development of Public and Private Parks</u> and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife

refuges, game preserves, and private habitat areas, provided that:

a. Parks shall be limited to passive activities. No ball diamond, tennis court, playfield, playground or other active recreation area shall be constructed in a wetland;
b. Any private recreation or wildlife habitat area must be exclusively for that purpose;
c. No filling is to be done; and
d. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

(4) The Construction and Maintenance of Electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members and customers located outside of the C-1 district, provided that:

a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(5) The Construction and Maintenance of Railroad lines, provided that:

a. The railroad lines cannot as a practical matter be located outside the conservancy district; and
b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.

(c) Prohibited Uses.

(1) Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 District lands concerned are first rezoned into another district.
(2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable water are prohibited.

(d) Conservancy Lands Used for Density Calculation. Where a lot is located partially within a C-1 Shoreland Wetland Conservancy District and partially within an adjoining use district, that area of the parcel in the C-1 district may be used to meet the minimum lot area requirements; provided that adequate adjacent upland space is available for the structure and related grading.

SEC. 17.0321 FLOODPLAIN ZONING DISTRICTS

(a) STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in ss. 62.23 and the requirements in s. 87.30, Stats.

(b) FINDING OF FACT. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience and general welfare and tax base.

(c) STATEMENT OF PURPOSE. This ordinance is intended to regulate floodplain development to:

(1) Protect life, health and property;
(2) Minimize expenditures of public funds for flood control projects;
(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
(4) Minimize business interruptions and other economic disruptions;
(5) Minimize damage to public facilities in the floodplain;
(6) Minimize the occurrence of future flood blight areas in the floodplain;
(7) Discourage the victimization of unwary land and homebuyers;
(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
(9) Discourage development in a floodplain if there is any practicable alternative to

locate the activity, use or structure outside of the floodplain.

(d) TITLE. This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Oak Creek, Wisconsin.

(e) GENERAL PROVISIONS:

(1) AREAS TO BE REGULATED. This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Oak Creek Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of Community Development, City of Oak Creek. If more than one map or revision is referenced, the most current approved information shall apply.

<u>OFFICIAL MAPS</u>: Based on FIS

(a) Flood Insurance Rate Map (FIRM) panel numbers 55079C0162E, 55079C0164E, 55079C0166E, 55079C0167E, 55079C0168E, 55079C0169E, 55079C0188E, 55079C0189E, 55079C0227E, 55079C0229E, 55079C0231E, 55079C0232E, 55079C0233E, 55079C0234E, 55079C0251E, 55079C0252E, 55079C0253E and 55079C0256E dated September 26, 2008, with corresponding profiles that are based on the Flood Insurance Study (FIS) volumes 55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A and 55079CV005A dated September 26, 2008.

Approved by: The DNR and FEMA

(b) City of Oak Creek Floodplain Appendix: All DNR-and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix on page 3 of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

(3) ESTABLISHMENT OF DISTRICTS. The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Section 17.1207. The Zoning Administrator supported by engineering can rely on a boundary derived from a profile elevation to grant or deny a land use building permit, whether or not a map amendment is required. The Zoning Administrator or a designee shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator or a designee and an applicant over the district boundary line shall be settled according to Section 17.1050(c)(3) and the criteria in (a) and (b) below.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.
Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 17.1207(a)(6).

(5) REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 17.1207.
Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, applies.

(8) ABROGATION AND GREATER RESTRICTIONS.
(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the Common Council and are not a limitation on or repeal of any other powers granted by Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY. The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES. The Racine County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevations and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS. The community shall

review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

(f) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(1) HYDRAULIC AND HYDROLOGIC ANALYSES

a. Except as allowed in Section 17.0321(f)(1)c. below, no floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

b. Permits shall be denied if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Section 17.0321(f)(1)c. are met.

c. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 17.1207.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) WATERCOURSE ALTERATIONS. No land use building permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator or a designee shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(3) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT. Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Section 17.1207.

(4) PUBLIC OR PRIVATE CAMPGROUNDS. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

a. The campground is approved by the Department of Health and Family Services.

b. A land use building permit for the campground is issued by the zoning administrator.

c. The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.

d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

e. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in Section 17.0321(f)(4)d. – to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.

f. Only camping units are allowed.

g. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

h. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

i. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

j. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Section 17.0322 or Section 17.0323 for the floodplain district in which the structure is located.

k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedure for evacuation when a flood warning is issued.

l. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Ordinance # 2360, A 8/30/05, Sec. 17.0321
Ordinance # 2455, A 5/1/07, Sec. 17.0321(e)(4)
Ordinance # 2455, A 5/1/07, Sec. 17.0321(e)(7)
Ordinance # 2455, A 5/1/07, Sec. 17.0321(f)(1)(b)
Ordinance # 2455, A 5/1/07, Sec. 17.0321(f)(2)
Ordinance #2513, A 8/19/08, Sec.17.0321(e)(2)

SEC. 17.0322 FLOODWAY DISTRICT (FW)

(a) APPLICABILITY. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 17.0324(d).

(b) PERMITTED USES. The following open space uses are allowed in the floodway district if

- they are not prohibited by any other ordinance;
- they meet the standards in Section 17.0322(c) and Section 17.0322(d); and
- all permits or certificates have been issued according to Section 17.1050(a):

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Non-structural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 17.0322(c)(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with Section 17.0322(c) and Section 17.0322(d).

(5) Extraction of sand, gravel or other materials that comply with Section 17.0322(c)(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission

lines, and pipelines that comply with chs. 30, 31, Stats.

(7) Public utilities, streets and bridges that comply with Section 17.0322(c)(3).

(c) STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

a. Any development in floodway areas shall comply with Section 17.0321(f) and have a low flood damage potential.

b. Applicants shall provide the following data to determine the effects of the proposal according to Section 17.0321(f)(1):

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2. An analysis calculating the effects of this proposal on regional flood height.

c. The permit application shall be denied if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Section 17.0322(c)(1)b. above.

(2) STRUCTURES. Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

a. The structures are not designed for human habitation and do not have a high flood damage potential;

b. It must be anchored to resist flotation, collapse, and lateral movement;

c. The portions of the structure located below the Regional Flood Elevation must be constructed of flood-resistant materials;

d. It must be designed to allow for the automatic entry of flood waters;

e. Mechanical and utility equipment must be elevated or flood proofed to or above the Regional Flood Elevation;

f. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the Regional Flood; and

g. Its use must be limited to parking and/or limited storage.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES. Public utilities, streets and bridges may be allowed by permit, if:

a. Adequate floodproofing measures are provided to the flood protection elevation; and

b. Construction meets the development standards of Section 17.0321(f)(1).

(4) FILLS OR DEPOSITION OF MATERIALS. Fills or deposition of materials may be allowed by permit, if:

a. The requirements of Section 17.0321(f)(1) are met;

b. No material is deposited in the navigable-channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

d. The fill is not classified as a solid or hazardous waste material.

e. Applicable provisions of Chapter 13 of the Municipal Code are met.

(d) PROHIBITED USES. All uses not listed as permitted uses in Section 17.0322(b) are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the

floodway which complies with the regulation for the floodplain area occupied.

Ordinance 2360, A 8/30/05 Sec. 17.0322
Ordinance # 2455, A 5/1/07, Sec. 17.0322(c)(1)(c)

SEC. 17.0323 FLOODFRINGE DISTRICT (FF)

(a) APPLICABILITY. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 17.0324(d).

(b) PERMITTED USES. Any structure, land use, or development is allowed in the floodfringe district if the standards in Section 17.0323(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 17.1050(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS. SECTION 17.0321(f)(1) shall apply in addition to the following requirements according to the use requested.

(1) COMPENSATORY STORAGE. No development shall be allowed which removes flood storage volume unless an amount not less than a ratio of 1.10:1 of the volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered as providing an equal volume of storage.

(2) RESIDENTIAL USES. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure and meet the requirements of Section 17.0323(c)(1). The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Appeals grants a variance;

b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Section 17.0323(c)(2)d.

d. In developments where existing street or sewer line elevations make compliance with Section 17.0323(c)(2)c. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(3) ACCESSORY STRUCTURES OR USES. Structures accessory to permanent open space uses and less than 600 square feet in size and valued at less than $10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of Section 17.0322(c)(2)a., b., c., d., e., f., g., and Section 17.0323(c)(6). All other accessory structure or use not connected to a principal structure shall be constructed with its lowest floor above the regional flood elevation and shall meet the provisions of Section 17.0323(c)(1) and Section 17.0323(c)(6).

(4) COMMERCIAL USES. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Section 17.0323(c)(2). Subject to the requirements of Section 17.0323(c)(6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) MANUFACTURING AND INDUSTRIAL USES. Any manufacturing or industrial structure which is erected, altered or moved

into the floodfringe area shall be protected to the flood protection elevation using fill meeting the requirements of Section 17.0323(c)(1) or other flood proofing measures in Section 17.1050(e). Subject to the requirements of Section 17.0323(c)(6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(6) STORAGE OF MATERIALS. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 17.1050(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(7) PUBLIC UTILITIES, STREETS AND BRIDGES. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 17.1050(e) to the flood protection elevation;

b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(8) SEWAGE SYSTEMS. All on-site sewage disposal systems shall be floodproofed, pursuant to Section 17.1050(e), to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(9) WELLS. All wells shall be floodproofed, pursuant to Section 17.1050(e), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(10) SOLID WASTE DISPOSAL SITES. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(11) DEPOSITION OF MATERIALS. Any deposited material must meet all the provisions of this ordinance and other pertinent sections of the Municipal Code.

(12) MANUFACTURED HOMES. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

a. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood.

b. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section 17.0323(c)(2).

(13) MOBILE RECREATIONAL VEHICLES. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Section 17.0323(c)(12). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Ordinance # 2360, A 8/30/05 Sec. 17.0323

SEC. 17.0324 GENERAL FLOODPLAIN DISTRICT (GFP)

(a) APPLICABILITY. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(b) PERMITTED USES. Pursuant to Section 17.0324(d), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (Section 17.0322(b)) and floodfringe areas (Section 17.0323(b)) are allowed within the general floodplain district, according to the standards of Section 17.0324(c), provided that

all permits or certificates required under Section 17.1050(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. SECTION 17.0322 applies to floodway areas; Section 17.0323 applies to floodfringe areas. The rest of this section applies to either district.

(d) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(2) Require the applicant to furnish any of the following information deemed necessary by the zoning administrator to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

c. Profile showing the slope of the bottom of the channel or flow line of the stream;

d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(3) Transmit one copy of the information described in Sections 17.0324(d)(1) and 17.0324(d)(2) to the Department's Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Section 17.1050(a)(2)c. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Ordinance # 2360, A 8/30/05 Sec. 17.0324

PUD DISTRICT

SEC. 17.0325 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

(b) Minimum Area Requirements. Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

	Principal Uses	Minimum Area of PUD
a.	Residential PUD	10 acres
b.	Commercial PUD	10 acres
c.	Industrial PUD	20 acres
d.	Mixed Compatible Use	20 acres

(c) Procedural Requirements.

(1) Pre-Application Conference. Prior to the official submission of the application for the approval of a Planned Unit Development Overlay District, the owner or his agent making such application shall meet with the City Plan Commission staff to discuss the scope and proposed nature of the contemplated development.

(2) Application. Following the pre-application conference, the owner or his agent may file an application with the Department of Community Development for approval of a Planned Unit Development Overlay District. Such application shall be accompanied by a filing fee, as required by Section 3.40 of the Municipal Code of the City of Oak Creek, and the following information:

a. A statement which sets forth the relationship of the proposed PUD to the City's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:

1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.
4. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
5. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. A statement indicat-

ing the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed.

b. A general development plan including, but not limited to:

1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
2. The location of public and private roads, driveways, and parking facilities.
3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
5. The type, size, and location of all structures.
6. General landscape treatment.
7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
8. The existing and proposed location of public sanitary sewer and water supply facilities.
9. The existing and proposed location of all private utilities or other easements.
10. Characteristics of soils related to contemplated specific uses.
11. Existing topography on the site with contours at no greater than two (2) foot intervals.
12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
13. Anticipated phasing of the development, if applicable.

(3) Referral to Plan Commission. The application for a Planned Unit Development Overlay District shall be referred to the City Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate. For such an application, property owners within 300 feet of the subject property, or more if requested by the Alderman of the district, will be sent a notice of the meeting at which it will be discussed. In addition to the notice, a copy of the staff review will be sent; which will provide an explanation of the proposal, as well as the staff recommendation. As soon as is practical following the meeting, the Plan Commission, through its Corresponding Secretary, shall report its findings and recommendations to the Common Council; which may be a recommendation for approval, approval with conditions or denial of the application.

(4) Common Council Public Hearing. Following the Plan Commission public hearing and the formulation of the Plan Commission recommendation, the Common Council shall hold a public hearing pursuant to the requirements of Sections 17.1200 and 17.1300 of this Chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. Following the public hearing, the Common Council shall decide whether the Planned Unit Development Overlay District application is to be granted or denied.

(d) Basis for Approval of the Application.

(1) The City Plan Commission in making its recommendation and the Common Council in makings its determination, shall consider:

a. That the applicants for the proposed Planned Development Overlay District have indicated that they intend to begin and complete the physical development of the PUD within a time frame approved by the Common Council, after recommendation by the Plan Commission.
b. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Chapter; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
c. The constraint or burden that will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
d. All property to be included in a Planned Unit Development Overlay

District shall be held in single ownership. However if there is more than one (1) owner, the applicants shall create a property owners association; whose responsibility it shall be to agree upon any plan prior to it being presented to the Plan Commission for approval and, thereafter, shall be the responsible entity for the maintenance of the exterior of all buildings, as well as all common areas within its Planned Unit Development Overlay District. The by-laws of this association, which contain its duties and responsibilities, shall be first approved by the Plan Commission and shall be written so that all subsequent amendments shall also have to be approved by the Plan Commission before they can take effect.

e. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

f. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

g. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the City.

h. Public water and sewer facilities shall be provided.

i. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(5) That in the case of a proposed residential Planned Unit Development Overlay District:

a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

b. The total net residential density within the Planned Unit Development Overlay District will be consistent with development permitted in the underlying basic use district. The district area, width, and yard requirements of the underlying basic use district may be modified, however, in no case shall the average density in the district exceed the number of dwelling units that would have been permitted on that amount of land if the PUD Planned Unit Development Overlay District regulations had not been utilized. This allows for transfer of density within a site, but not an increase in density.

c. Each residential planned unit development, having more than one property owner involved and featuring common open space or other common improvements, shall be managed by a Property Owners' Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall be included with the PUD application; which shall initially be approved by the Plan Commission as well as any subsequent amendments thereto.

(6) That in the case of a proposed commercial Planned Unit Development Overlay District:

a. The proposed development will be adequately served by off-street parking and truck service facilities.

b. The locations for entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

c. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.

d. Each commercial planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall

be included with the PUD application.

(7) That in the case of a proposed industrial Planned Unit Development Overlay District:

a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and development design and will not result in adverse effect upon the surrounding neighborhood.

b. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

c. Each industrial planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall be included with the PUD application.

(e) Determination. The Common Council, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions; including but not limited to, beginning and completing the physical development of the PUD within a time frame approved by the Common Council, after recommendation by the Plan Commission and that the City shall be a part of the approval process for any amendment to the by-laws of the Property Owners' Association. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the City Council. The approval of a planned unit development, and the attendant conditions of approval, shall be applicable to the developer, his heirs, successors, or assigns.

(f) Existing Planned Developments. All properties with planned development zoning, on the effective date of this Chapter, which remain planned developments after the effective date of this Chapter are hereby declared to be conforming planned developments. Such planned developments shall be subject to the regulations contained in the resolution or ordinance which authorized and approved the planned development.

(g) Changes and Additions Prior to Final PUD Approval. Any change or addition to the plans or uses prior to the issuance of an occupancy permit shall first be submitted for approval to the City Plan Commission and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 17.1300 of this Chapter, and said proposed alterations shall be submitted to the Common Council for approval after a public hearing.

(h) Subsequent Land Division. The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the City and when such division is contemplated, a subdivision plat or certified survey map, as may be appropriate, of the lands to be divided shall accompany the application for PUD approval.

(i) Changes and Additions to the PUD After Final Approval.

(1) Any change in occupancy within an approved planned unit development project shall be administered in the same manner as a change in occupancy in a basic use district as set forth in Section 17.1006 of this Chapter. A certificate of compliance shall not be issued to a use that is not consistent with conditions placed on approval in any PUD district.

(2) Any addition to a planned unit development in years subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings required by this section.

SEC. 17.0326 ADJUSTMENTS TO MINIMUM AREA REQUIREMENTS.

The purpose of this section is to allow adjustments to the minimum area requirements for the creation of a Planned Unit Development (PUD) district. Reducing the minimum area requirements, where justified, will allow for the more efficient development of certain properties that are less likely to develop under a conventional zoning district due to such limiting factors as shape, size and accessibility. The Plan Commission may recommend approval to the Common Council of a request for a PUD district on a property, that does not meet the minimum area requirements as

set forth in Section 17.0325(b), by at least a ¾ majority vote of the Commissioners present at a meeting, but only if supplemental design elements, reduced density or other improvements, requested by the Plan Commission, are incorporated into the project, which compensate for the modification of this minimum area standard.

Ordinance #2136 A 7/2/01 Sec. 17.0326

SEC. 17.0327 TRADITIONAL NEIGHBORHOOD DEVELOPMENT-PUD

Proposed developments contemplated by an applicant to include design features described as "traditional neighborhood development" in Wisconsin Statutes Sec. 66.1027(1)(c)(1999-2000 Statutes) may be considered for approval at locations determined appropriate by the City under this section as a Planned Unit Development.

A document identified as "A MODEL ORDINANCE FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT", dated December, 2000, published by the University of Wisconsin Extension pursuant to Wisconsin Statutes sec. 66.1027(2), shall serve as a non-exclusive guidebook to assist in further defining the various aspects of this form of urban design, along with such other sources of guidance the Plan Commission and local governing body may choose to consult.

Ordinance #2170 A12/18/01 Sec.17.0327

SEC. 17.0328 LAKEFRONT OVERLAY DISTRICT

The City of Oak Creek (the "City") borders approximately five miles of Lake Michigan, a navigable body of water.

By virtue of Section 281.31 Wis. Stats., State of Wisconsin adopted the navigable waters protection law to aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare in order to establish policies, make plans and authorize municipal shoreland regulations for the efficient use, conservation, development and protection of the state's water resources.

The purposes of the navigable waters protection law is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

Pursuant to Wisconsin Statute, Section 281.31, the Department of Natural Resources was directed to prepare a comprehensive plan, based on the use classification of navigable waters and the shorelands to be governed by the following general standards:

1. Domestic uses shall be generally preferred.
2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
3. Areas in which the existing or potential economic value of public, recreational or similar uses exceeds the existing or potential economic value of any other use shall be classified primarily on the basis of the higher economic use value.
4. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
5. Use dispersions within an area shall be preferred over concentrations of uses of their undue proximity to each other.

The Lakefront Overlay District is intended to fulfill the purposes of Section 281.31 Wis. Stats.

(a) Applicability. This ordinance applies to all lakefront property which shall be defined as property that borders Lake Michigan and all property, any portion of which, is located within 1,000 feet of the ordinary high water mark of Lake Michigan. The regulations and restrictions in this section shall be in addition to the regulations for the zoning district that applies to any property. The permitted and conditional uses identified in this section shall supercede the listing of permitted and conditional uses for a particular zoning district. For purposes of this action, lakefront developments include any development on lakefront property.

(b) Permitted uses. None.

(c) Permitted accessory uses. None.

(d) Conditional uses.

(1) Single Family Dwellings.
(2) Two Family Dwellings.
(3) Multi Family Dwellings.
(4) All permitted and conditional uses in B-1, B-2, B-3, B-4, I-1, and P-1 Districts.
(5) Public Utility Power Plants, Substations, and Transmission Towers.
(6) Sewerage Treatment Plants.
(7) Water Treatment Plants.

(e) Area and Setback Regulations. The lot area and width, building area and height and setbacks and yards shall be the regulations for the underlying zoning district.

(f) Procedure. The lakefront overlay district shall be subject to the procedural requirements of Section 17.0325(c)(d)(e)(g)(h) and (i).

(g) Plans. In addition to the requirements of Section 17.0325, lakefront developments:

(1) Shall include a plan for lakefront shoreline and bluff stabilization that shall be subject to review and approval of the Plan Commission.

(2) Shall include a plan for public access to the Lake Michigan lakefront including the bluffs overlooking Lake Michigan that shall be subject to review and approval by the Plan Commission.

(3) Shall include as part of the Conditional Use Permit application subject to approval by the Common Council, plans for the following:

a. **Final Site Grading** including the following:

1. Topographic contours at a 2-foot interval.
2. Property boundaries.
3. Fence lines and types.
4. Underground and above ground utility easements and lines.
5. Wetlands, floodplains, and ordinary high water elevations.
6. Surface water controls.
7. Surface water flow direction arrows.
8. Locations, dimensions, heights of all structures.
9. Areas and largest dimensions of material stockpiles.
10. Exterior treatment of all structures.
11. Parking areas, roadways, paths, rail lines, piers, walkways, and open spaces.
12. Earthwork materials balance analysis and phasing plan.

b. **Construction Use** of the property with the following site features:

1. Surface water controls.
2. Surface water flow direction arrows.
3. Locations of all construction trailer areas.
4. Areas and largest dimensions of material stockpiles and equipment laydown areas.
5. Parking areas, roadways, paths, rail lines, piers, walkways, and open spaces.

c. **Stormwater Management,**
d. **Storm Sewers,**
e. **Sanitary Sewers,**
f. **Water Distribution Systems,**
g. **Roadways,** and
h. **Landscaping**

in accordance with the procedures and standards in the City's Engineering Design Manual, unless otherwise approved by the Plan Commission and Common Council.

(h) Effect of lakefront overlay district regulations. The regulations set forth in this section for the lakefront shall apply to all lakefront property. The attendant regulations shall exist as an overlay zoning district with the strictest regulations of these districts or the underlying districts prevailing in all cases.

(i) Compliance. No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development shall commence without full compliance with the terms of this section and other applicable regulations.

(j) Severability. If any section, clause, provision or any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Ordinance # 2227 A 01/07/03 Sec. 17.0328

SEC. 17.0329 GENERAL 27TH STREET OVERLAY DISTRICTS DESIGN STANDARDS.

Coordinated efforts between the City of Oak Creek and the City of Franklin have resulted in the creation of four overlay districts along the 27th Street corridor within Oak Creek. The intent of the 27th Street overlay districts is to allow current permitted uses to maintain their permitted use standing while planning for coordinated development or redevelopment along the 27th Street corridor.

Whether the current use is permitted or special use, does not change based on the overlay district zoning until the specific use changes. At that time the new overlay district zoning and design standards come in effect.

The intent of the design standards is to provide creative ideas, stimulate forward thinking, promote quality design, and preserve designated woodlands and wetlands as well as ensure that the construction of buildings, facilities, and properties are compatible with their surroundings, are attractive, and enhance the corridor and building design and development standards established by the City of Oak Creek. These design standards shall apply to Se. 17.0330 Regional Retail Overlay District, Sec. 17.0331 Mixed-Use/Office/Urban Village Overlay District,

Sec. 17.0332 Mixed-Use Neighborhood Overlay District, and Sec. 17.0333 Mixed-Use Office Overlay District and as shown on the Official Zoning Map.

(a) **General Design Guidelines**

1. Establish and improve the visual character of the 27th Street corridor to reflect its role as one of the most prominent entrances and gateways in the cities of Franklin and Oak Creek and Milwaukee County, and to establish a unique, quality identity for this important corridor.
2. Enhance the destination and market appeal of the corridor.
3. Design a visually pleasing, safe, and socially stimulating business district and destination for Franklin, Oak Creek, and southern Milwaukee County.
4. Facilitate well-planned, coordinated, quality private development along and across the corridor.
5. Ensure that public streets, buildings, infrastructure, and open spaces set a high standard for a quality physical environment throughout the corridor.
6. Enhance the quality of the pedestrian experience along the corridor by providing a pleasant experience for business patrons, employees, and residents.
7. Enhance economic investment for business and property owners.
8. Protect and conserve neighborhood character, and establish safe, convenient and attractive linkages between neighborhoods and shopping and employment areas.
9. Encourage flexible and individual creativity rather than uniformity.
10. Promote community awareness of the physical environment.
11. Preserve and protect environmentally sensitive areas including woodlands and wetlands.

(b) **Design Principles**

1. Land Use
   a. Development must provide a mix of uses that encourage pedestrian activity, respect the natural topography and express the street's cultural identity. Fostering a mix of retail, restaurants, offices, service businesses, light industry, residential, civic/institutional uses, and public open spaces is encouraged.
2. Buildings
   a. Buildings must be, or appear to be at least two stories in height to give scale to the street. Buildings are located closer to the street to create a sense of enclosure for the public sidewalk. Building setbacks provide space for amenities that enhance pedestrian activity along the street.
3. Parking
   a. Parking lots must be primarily located on the sides and rears of buildings and are shared by two or more businesses. Large parking areas contain significant landscape islands with clear pedestrian walkways.
4. Streets
   a. Streets within developments must be designed to accommodate efficient traffic flow and multiple transportation choices including automobiles, bicycles, buses, and possible other mass transit options.
5. Walkability
   a. Sidewalks/terrace areas within developments must be a minimum of ten (10) feet wide with a six (6) foot unobstructed sidewalk zone and minimum four (4) foot wide terrace next to the public street. Street furnishings are provided in the terrace to enhance the pedestrian character and use of the street including pedestrian scale lighting, benches, bicycle racks, information kiosks, etc. Crosswalks are clearly marked and include pedestrian refuge islands for safe pedestrian and bicycle crossings.
6. Landscaping
   a. Street trees must be provided to shade the sidewalk, provide a sense of enclosure for the street, and visually unify the blockface.

(c) **Design Standards**

The following general design standards provide overarching design principles that area common to all new construction and renovation projects along the 27th Street corridor. These standards fit into four (4) functional categories: blockface design, building design, site design, and streetscape design.

1. Blockface Design

The buildings and sites along 27th Street are not isolated structures. The placement and appearance of the buildings, sites, and signs contribute to the character of the entire block and ultimately to the character of the street. A blockface is one side of a street block. Because 27th Street runs north and south, the blockface along the street area oriented either east or west. When the buildings along a street block are closely spaced or contiguous, the blockface becomes a cohesive vertical element or "street

wall". The opposing blockfaces along the street create a series of relatively parallel street walls that – to varying degrees – enclose the public streetscape and create outdoor, linear "rooms".

a. The general guidelines for how private property owners can improve the blockface design include:

1) Coordinate building and site designs with adjoining properties.

2) Promote shared driveways and parking.

3) Use landscaping and furnishings to enhance the public sidewalk.

4) Consider infill development and landscaping to create a continuous blockface.

b. Circulation and Access

1) The internal transportation network for new developments or redevelopment of existing properties shall be designed to accommodate all modes of transportation and incorporate a network of interconnecting streets and blocks with respect to the natural landscape. The internal transportation network shall provide alternate routes to every destination, distributing automobile traffic and shortening walking distances.

2) Commercial buildings shall incorporate pedestrian walkways and open spaces and encourage safe movement through their site and to the surrounding area. Such walkways shall be connected with public streets in an engaging and identifiable manner and conflicts between pedestrians and vehicles shall be minimized, to the extent possible.

3) Development that maximizes the opportunity to preserve and access adjacent natural and scenic areas including Falk Park, the Root River Corridor, and the Oak Creek Corridor is expected.

4) Loading docks and other service requirements shall be placed at the rear of buildings and accessed from service driveways. Pedestrian areas and customer parking areas shall be separated from these areas.

2. Building Design

The design of buildings is a key part of shaping a positive and attractive character for the 27th Street corridor. New buildings and renovation of existing buildings shall enliven the public streetscape, complement the character of adjacent buildings, and provide inviting entrances to pedestrians. Building designs shall be sustainable, as well. "Green" architecture, which uses water, energy, and other natural resources more efficiently, is encouraged.

a. General design parameters for building design include:

1) Create buildings with details and proportions that are scaled to the pedestrian.

2) Complement scale and character of adjacent buildings.

3) Encourage mixed-use buildings.

4) Create inviting entrances.

5) Maximize storefront transparency.

6) Design all sides of the building visible to the public.

7) Encourage franchises to respect the character of the street.

8) Employ sustainable design practices.

9) Provide details that express the corridor's character and identity.

b. The building character and design standards.

1) Multi-story buildings with quality architectural design shall be located on prominent sites, such as key intersections, corners, terminations of street vistas, and on high points to serve as landmarks.

2) Exterior materials shall be durable, high-quality materials, true to form (such as stone below wood rather than the opposite), and appropriate for external use.

3) Brick, stone and terra-cotta shall be the primary materials for new buildings or additions.

4) The use of false brick or other "faux" sidings is not permitted.

5) Painting of natural brick and stone is not permitted.

6) Color choice shall complement the style and materials for the building's façade and provide a pleasing relationship with adjoining buildings.

7) Trash, service and mechanical areas shall be entirely screened from view and located on the side or rear of properties.

8) All visible sides of the building shall be designed with details that complement the front façade. Side façades that are visible from the

public street shall receive equal design attention.

9) Building massing that creates modulation and articulation is encouraged.

10) Multi-story buildings that allow for a mix of retail, office or residential uses are encouraged.

c. Building details

1) Building design standards less than 20,000 square feet (excluding single and two family residential).

a. Building Materials and Colors

(i) Façades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in façades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.

(ii) Masonry, stone, stucco and wood shall be used on the exterior to convey an impression of durability. Metal is not allowed as the primary exterior building material, but it may be used for accents including awnings.

(iii) Where masonry is used for exterior finish, decorative patterns shall be incorporated. Ex. Multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.

(iv) Wood siding shall be bevel, shingle siding, or channel siding and not be applied in a diagonal or herringbone pattern.

(v) Building façade colors shall be non-reflective, subtle, neutral, or earth tone. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on a sign face and copy areas.

b. Roof Materials, Parapets and Roof Pitch

(i) Pitched roof structures shall have a minimum roof pitch of 6/12.

(ii) Flat roofs are permitted with detailed stepped parapets or detailed brick coursing.

(iii) Parapet corners shall be stepped or designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

(iv) Visible sloped roofs shall be neutral in color, such as gray, black or dark brown.

(v) Visible roof materials shall be wood or architectural grade composition shingle or sheet metal with standing or batten seam.

(vi) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, or by other approved means.

c. Building Façades

(i) Decorative devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band shall be at least eight (8) inches wide.

(ii) Buildings shall incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two (2) structures.

(iii) For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:

- Front and side building walls placed as close as permitted to property lines.

- Clearly delineated upper and lower façades.
- A lower façade dominated by large display windows and a recessed entry or entries.
- Smaller, regularly spaced windows in the upper floor.
- Decorative trims, such as window hoods, surrounding upper floor windows.
- A decorative cornice near the top of the façade.

d. Change in Relief of Building

(i) Buildings shall include changes in relief on ten (10) percent of their primary façade. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatment for pedestrian interest and scale.

e. Windows

(i) Windows that allow views to the interior activity or display areas are required. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

(ii) Ground floor window standards.

- All new buildings shall provide ground floor windows.
- Required window areas shall be wider windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
- Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to allow it to be no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
- Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
- The primary façade of each building, or for corner buildings, each of the two facades, shall contain at least twenty (20) percent of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
- Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is sixteen (16) square feet per story, or six (6) percent of the façade, whichever is greater.

(iii) Upper floor window standards.

- Glass area dimensions shall not exceed 5’x7’. (The longest dimension may be taken either horizontally or vertically).
- Windows shall have trim or molding at least two (2) inches wide around their perimeters.

f. Pedestrian Accessibility

(i) Buildings shall maintain and/or enhance the pedestrian scale.

(ii) Building entries shall comply with the accessibility requirements of the applicable state and federal codes.

(iii) Special attention shall be given to designing a primary building entrance that is both attractive and functional.

(iv) Buildings located at the intersection of two (2) streets shall utilize a corner entrance to the building unless this is deemed by the Plan Commission to be impractical.

(v) Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

2) Building detail for buildings more than 20,000 square feet

a. Building Materials

(i) Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity.

(ii) Exterior building materials shall be of high and comparable aesthetic quality on all sides.

(iii) Building materials such as glass, brick, decorative concrete block, or stucco shall be used.

(iv) Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.

b. Building Design

(i) The building exterior shall be unified in design throughout the structure, and shall complement other building in the vicinity.

(ii) The building shall employ varying building setbacks, height, roof treatments, door and window opening, and other structural and decorative elements.

(iii) A minimum of twenty (20) percent of all of the combined façades of the structure shall employ actual façade protrusions or recesses.

(iv) A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over fifty thousand (50,000) square feet.

(v) Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective.

(vi) Ground floor façades that face and are on properties that are in any part within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length.

c. Building Entrances

(i) Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns.

(ii) Two (2) or more of the following design features shall be incorporated into all public building entryways:

- canopies or porticos
- overhangs
- projections
- arcades
- peaked roof forms
- arches
- outdoor patios
- display windows
- distinct architectural details

(iii) All sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building.

d. Building color

(i) Building façade colors shall be non-reflective, subtle, neutral, or earth tone.

(ii) The use of high intensity colors, metallic colors, black, or fluorescent colors on façades shall be prohibited.

(iii) Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants.

(iv) Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

e. Building location

(i) Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.

f. Screening

(i) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

(ii) Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.

(iii) Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

g. Traffic impact

(i) All projects that include buildings over twenty thousand (20,000) square feet shall have direct access to an arterial or collector street, or shall dedicate public roads that have direct access to a public street.

(ii) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety through parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.

(iii) The site design shall provide direct connections to adjacent land uses if required by the City.

(iv) Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following WiDOT guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

3. Site Design

Site design refers to the physical arrangement of buildings, walkways, parking lots, landscaping, and other elements on a property. The placement of these elements of the site will contribute to the functional and aesthetic character of the site and the entire 27th Street corridor. For example, sites with large front parking areas or large setbacks generally contribute little to the aesthetic quality or walkability of 27th Street. Site development that places well-designed buildings closer to the street will strengthen the character and spatial enclosure of the street.

a. The general guidelines for how private property owners shall improve their sites include:

1) Locate buildings close to the street.

2) Connect entrances with public sidewalks.

3) Avoid parking in front yards.

4) Provide attractive landscapeing/outdoor spaces.

5) Utilize woodlands and wetlands as functional open spaces.

6) Complement the public "streetscape".

7) Locating and screening trash and utility areas away from the street.

8) Promote crime prevention through environmental design.

9) Employ sustainable design practices.

b. Parking

1) Parking lots shall be landscaped around the perimeter to screen the view from public streets.

2) Parking lots shall include landscape islands to break up large surface areas. A common standard is a nine (9) foot landscape island for every linear row of ten (10) to fifteen (15) parking spaces.

3) Parking for new buildings shall be primarily located at the rear and on the sides of the building for buildings fronting 27th Street. If parking in front can not be avoided, landscaping shall be provided between the parking area and the public street. For existing properties, where the site permits, parking in the front shall be relocated to the side and rear of the building as properties redevelop.

4) For properties such as gas stations -- where front parking cannot be removed – walkways, landscaping, architectural features, and lighting shall be provided to make these areas more attractive and inviting. Decorative fences, walls, and/or landscaped edges shall screen front parking areas from the public

sidewalk. Screening shall not exceed forty-two (42) inches in height.

5) Large parking areas shall include walkways to allow safe pedestrians access to the building entrance and connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting, and furnishings to create a pedestrian friendly character.

6) Parking lots shall be connected with adjoining lots where practial.

c. Landscaping, Lighting, and Site Furnishings.

1) All landscaping standards in the City of Oak Creek Zoning Code Section 17.1010 shall be upheld in all 27th Street corridor overlay districts.

2) Lighting styles and fixtures shall complement the architectural design and coordinate with lighting in the larger development or on adjacent properties.

3) Light fixtures shall have a cut-off or beveled prism light that directs lighting toward the ground to minimize off-site impacts. Higher lighting levels shall be provided for pedestrian use areas. Low-level building and landscape accent lighting is encouraged, where appropriate.

4) Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall be designed to complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk.

5) Bicycle storage facilities shall be located near the building entrance.

6) Screen fences and/or landscaped buffers shall be provided at property edges, particularly where commercial and light industrial properties adjoin residential properties.

7) New streets as proposed as part of new developments shall provide "pedestrian friendly" streetscape with on-street parking.

d. Environment

1) All environmentally sensitive areas such as wetlands and woodlands as designated by the City Engineer shall remain uninterrupted.

2) All primary and secondary environmental corridors and isolated natural areas as recorded by the Southeastern Wisconsin Regional Planning Commission shall remain uninterrupted.

3) Development shall not negatively impact any environmentally sensitive areas.

e. Signage

Building signage shall fit with and enhance the character of a building and the overall environment of the 27th Street corridor. The 27th Street area shall be designated a special signage district to ensure well-designed and cohesive signage in the gateway corridor into the cities of Oak Creek and Franklin and Milwaukee County.

1) Preferred sign types include signs integrated into the design of the building, along a sign band, window signs, awning signs, projecting signs, and monument signs of six (6) to eight (8) feet in height.

2) Natural landscaping features shall be used in conjunction with monument signs.

3) Signs shall be simple and easy to read and include street names and addresses prominently.

4) Sign colors shall relate to and complement the primary colors of the building façade.

5) Sign design and placement shall fit the character of the building and not obscure architectural details.

6) Signage shall be centered within the prescribed signage area of the building.

7) Large pylon or post mounted box signs are prohibited on 27th Street.

8) Plastic, internally illuminated signs are not allowed.

9) Window signs shall not exceed fifty (50) percent of the total window area.

10) Billboards or signs on roofs, dormers, and balconies are not allowed.

11) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

4. Streetscape Design

The 27th Street/State Highway 41 corridor has long served as an auto-oriented commercial district and a major arterial street that historically provided a direct truck route between Milwaukee and Chicago. Public input during the 27th Street Corridor Planning process has identified the need to cre-

ate a high-quality urban atmosphere for the 27th Street corridor. The following are standards for public street improvements to accomplish this goal.

a. The general design standards for public street improvements include:

1) Establish gateways and districts.

2) Accommodate multiple transportation modes (e.g., transit, autos, pedestrians, bicyclists).

3) Create and enhance pedestrian safety and comfort (e.g., crosswalks, lighting).

4) Visually 'unify' the streetscape (lighting, street trees, and street furniture).

5) Reduce visual 'clutter' (private signage and overhead utilities).

b. These standards are divided into four (4) parts:

1) Street Design

a. Sidewalks

(i) Sidewalks shall be provided along South 27th Street in areas not served by the proposed multi-use trail system.

(ii) All sidewalks shall be a minimum of six (6) feet wide, and include a minimum eight (8) foot wide landscaped terrace area.

b. Crosswalks

(i) Clearly define crosswalk areas on 27th Street with reflective paint or specialty pavement such as colored concrete, or other DOT/City approved materials. Pavements shall meet ADA standards to allow for the ease of travel by persons with disabilities. Install handicap accessible curb ramps at all crosswalks.

(ii) Provide refuge islands at all crosswalk locations that are wide enough for pedestrian and bicyclists.

(iii) Provide pedestrian activated crossing lights, (countdown pedestrian walk lights) at key signalized intersections.

c. Medians

(i) The nose of the median shall fully enclose the crosswalk and be wide enough to allow safe refuge for multiple pedestrians and bicyclists.

(ii) Provide landscaping, lighting, and banners.

(iii) Sections of medians that are too narrow for landscaping shall be paved with special colored paving in lieu of plain concrete to visually break up the wide expanse of pavement and add character to the area.

(iv) Explore having businesses, or business association, fund special median landscape treatments.

d. Bicycle Circulation

(i) Establish a continuous bicycle system on both sides of 27th Street through eight to ten foot wide off-street multi-use paths within the right-of-way.

e. Stormwater Design

(i) As 27th Street is reconstructed, the storm sewer system shall be designed to allow for stormwater infiltration and sediment collection.

(ii) Open spaces along public right-of-ways shall be considered as locations for rain gardens to facilitate stormwater infiltration.

2) Streetscape Design

a. Streetscape improvements shall be located in the terrace zone of the sidewalk and the median.

b. Lighting

(i) New roadway lighting shall be selected to provide a unique identity for 27th Street. Lighting fixtures shall be directed toward the ground and not toward the sky.

(ii) Existing and new roadway lighting shall accommodate banners, hanging floral baskets and holiday decorations that will improve the visual character and identity of the street.

c. Street Trees and Landscaping

(i) Street trees for 27th Street shall be selected to provide visual interest and seasonal variety in compliance with WISDOT standards. Street trees shall have the same characteristics of both sides of the street in a given block.

(ii) Provide low maintenance, perennial plantings in the medians. Higher maintenance plantings can be provided if individ-

uals or groups take responsibility for contracting out annual planting and maintenance.

d. Street Furniture and Amenities

(i) Street furniture and amenities shall be provided in higher pedestrian use areas and present a uniform design that complements the desired theme and identity for 27th Street.

3) Gateways and Entrances

a. All entrances shall be designed to improve the visual character and identity of 27th Street.

b. The design of key entrances shall present a coordinated identity and theme for 27th Street. The theme, colors, and design of entrance features and signage shall be coordinated with other design features such as lighting, furnishings, and street banners. Entrance features and signage shall be located to avoid clutter and confusion with other signage.

c. The 27th Street Corridor Land Use Plan recommends a full highway interchange at the intersection of 27th Street and I-94. Special landscaping, architectural, or public improvements shall be used at this interchange to identify this as an important community gateway.

d. All intersections shall be beautified with landscaping and signage features that are scaled and proportional to respond to both the pedestrian and vehicular travelers.

e. Neighborhood entrance signs or smaller business district signs shall be located in open spaces along the street. Easements on private property may be needed to locate these signs.

4) Wayfinding

a. A coordinated wayfinding system shall be designed that directs visitors to the many public destinations located along and around 27th Street, and in both communities, such as the medical centers, the airport, park and ride facilities, parks, libraries, community centers, etc.

b. Wayfinding signage shall be located in the terrace or median.

5) Regulatory Signage

a. Opportunities to reduce the number of regulatory signs shall be evaluated to limit signage clutter and improve the visual character of the street while maintaining safety standards.

b. Maximize opportunities to place multiple signs on each sign pole.

c. Locate signs in sidewalk terrace areas, wherever possible. Limit the number of signs in the median.

d. Inventory existing regulatory signage to identify and eliminate potential duplications. Consider use of electronic readerboard signage as a supplement or replacement signage along the corridor.

Ordinance 2346, A 6/21/05 Sec. 17.0329

SEC. 17.0330 RRO – REGIONAL RETAIL OVERLAY DISTRICT

The Regional Retail Overlay District is intended to over time, establish a focal point to the 27th Street corridor by permitting a mesh of both large and small retail along with residential uses. The large retailers shall be the anchors, along with high density residential, and complementary uses or smaller retail, acting as a buffer. The design standards of Section 17.0329 shall apply to the Regional Retail Overlay District.

(a) **Permitted uses**: The following are permitted uses, provided that there is no outdoor storage of merchandise:

1. Antique and collectors stores.
2. Appliance stores.
3. Art galleries.
4. Art supply stores.
5. Automotive parts and accessories without installation.
6. Bakeries where not more than fifty (50) percent of the gross floor area is devoted to the processing of bakery goods; and not employing more than five (5) persons at any one time.
7. Banks, savings and loan associations and other financial institutions.
8. Barber shops
9. Beauty shops.
10. Book or stationary stores.
11. Building supply stores; excluding lumber yards.
12. Business offices.
13. Camera and photographic supply stores.
14. Clothing stores.
15. Catering services.
16. Coin and philatelic stores.
17. Confectioneries and ice cream stores.
18. Currency exchanges.
19. Convenience food store.

20. Delicatessens.
21. Department stores.
22. Dog obedience training facilities when conducted entirely within and enclosed structure.
23. Drug stores.
24. Florists.
25. Electronic equipment sales, service, and repair.
26. Equipment rental with only inside storage facilities.
27. Essential services.
28. Fish markets.
29. Fruit stores.
30. Funeral homes.
31. Furniture stores.
32. Furriers and fur apparel.
33. Garden centers.
34. Grocery stores.
35. Gift stores.
36. Hardware stores.
37. Hobby and craft shops.
38. Interior decorators.
39. Indoor tennis and racquetball courts, physical fitness centers and health clubs.
40. Insurance sales offices.
41. Janitorial supplies and services.
42. Jewelry stores.
43. Medical and dental clinics.
44. Mail order service stores.
45. Messenger services.
46. Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.
47. Law offices.
48. Liquor stores.
49. Meat markets.
50. Music stores.
51. Neighborhood food store.
52. Newspaper and magazine stores.
53. Office supplies and business machine stores.
54. Optical stores.
55. Pet stores and pet grooming.
56. Paint, glass, and wallpaper stores.
57. Public utility offices.
58. Photography and art studios.
59. Physical fitness centers.
60. Printing services, limited to no more than 2,000 square feet of floor area.
61. Plumbing and heating supplies.
62. Real estate sales offices.
63. Restaurants, including drive-in restaurants.
64. Radio and television broadcast or recording studios, not including transmitting towers.
65. Restaurants, except drive-in restaurants. No live entertainment other than music or dancing shall be permitted.
66. Self service laundry and dry-cleaning establishments.
67. Shoe stores and leather goods stores.
68. Soda fountains and ice cream stores.
69. Sporting goods stores.
70. Stockbrokers and securities dealers.
71. Theaters and other amusement places.
72. Taverns and cocktail lounges.
73. Testing laboratories.
74. Tailor or dressmaking shops.
75. Tobacco stores.
76. Travel agency.
77. Upholstering.
78. Utility offices.
79. Variety stores.
80. Video tape sales and rental.
81. Vegetable stores.

(b) **Permitted Accessory Uses**:

1. Garages used for storage of vehicles used in conjunction with the operation of the business.
2. Off-street parking and loading areas.
3. Residential quarters.
4. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
5. Solar collectors attached to the principal structure.

(c) **Conditional Uses**:

1. Animal hospitals.
2. Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
3. Car washes.
4. Contractor's offices and shops provided that there shall be no outdoor storage of equipment and materials.
5. Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service stations canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
6. Hotels and motels.
7. Lumber yards, millwork, sawmills, and planing mills.
8. Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.
9. Multifamily residential

(d) **Lot Area and Width**: No lots shall be created less than 2 acres in size and shall be not less than 150 feet in width.

(e) **Building Height and Area**:

1. Buildings greater than 25,000 square feet shall be at least two (2) stories in height. No accessory building shall exceed seventeen (17) feet in height.

2. Buildings greater than 60,000 square feet shall require a special use permit.

(f) **Setback and Yards**.

1. There shall be minimum front setback of fifty (50) feet from the right-of-way of all streets.
2. There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
3. There shall be a rear setback of not less than thirty (30) feet.
4. Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than ten (10) feet.

(g) **Design Standards**:

1. If the commercial development consists of a mix of structures of different sizes, larger buildings shall be located behind smaller structures.
2. Sidewalks and tree planting along the front of small commercial buildings shall be provided as they promote pedestrian activities and help define the streetscape.
3. Building wall offsets, including projections, recesses, and changes in floor level, shall be used to add architectural interest and variety.
4. Buildings on corners that have at least two (2) façades exposed to public streets shall be considered significant structures. These buildings shall be designated with additional height and architectural detail, such as corner towers to reinforce their location.
5. Human scale environments shall be created by building massing and form, as well as the use of architectural elements such as canopies, walkways, street-level display windows, lighting, and a variety of building materials. Site design features around the building shall further reinforce human scale.
6. The design of fast-food restaurants, convenience stores, and other auto-oriented, stand-alone businesses shall include safe access for pedestrians and other modes of traffic.
7. Service, entertainment, and retail businesses shall be designed in conjunction with larger developments for purposes of providing services to nearby residents and businesses and improving the function and variety of the overall business district.
8. Corporate or franchise design elements and colors shall be incorporated only as secondary elements to the overall façade design or development and not as the dominant element. It is expected that franchise themes and colors will be altered to suit the development of the larger site and reflect the natural and cultural identity of the corridor.
9. Internal pedestrian circulation routes through multiple properties shall be clearly defined through the use of special paving treatments, landscaping and lighting.
10. Parking areas, whenever possible shall be linked to provide internal traffic circulation. Interconnected lighted walkways shall be provided to safely connect parking lots with building entrances.
11. Neighborhood retail centers shall be located at the major entrances to neighborhoods, primarily along 27th Street to provide a buffer between the highway and adjacent residential developments.

Ordinance 2346, A 6/21/05, Sec. 17.0330
Ordinance 2489, A 1/15/08, Sec. 17.0330(a)&(c)
Ordinance 2501, A 5/6/08, Sec. 17.0330(a)50 &(c)9

SEC. 17.0331 UVO – MIXED-USE/OFFICE/URBAN VILLAGE OVERLAY DISTRICT

The Mixed-Use/Office/Urban Village District (Subarea) is intended to provide office uses nearest to 27th Street (Northwestern Mutual Campus) with retail and service oriented uses, high-density residential uses, and open space (Falk Park) along the 27th Street corridor. The Urban Village is intended to discourage automobile use while promoting high quality, interactive neighborhoods. The design standards of Section 17.0329 shall apply to the Mixed-Use Office/Urban Village Overlay District.

(a) **Permitted Uses**: The following are permitted uses, provided that there is no outdoor storage of merchandise:

1. Antique and collectors stores.
2. Art galleries.
3. Art supply stores.
4. Automotive parts and accessories without installation.
5. Bakeries where not more than fifty (50) percent of the gross floor area is devoted to the processing of bakery goods; and not employing more than five (5) persons at any one time.
6. Banks, savings and loan associations and other financial institutions.
7. Barber shops.
8. Beauty shops.
9. Book or stationary stores.
10. Business offices.
11. Camera and photographic supply stores.

12. Clothing stores.
13. Confectioneries and ice cream stores.
14. Catering services.
15. Coin and philatelic stores.
16. Confectioneries and ice cream stores.
17. Currency exchanges.
18. Convenience food store.
19. Delicatessens.
20. Department stores.
21. Dog obedience training facilities when conducted entirely within and enclosed structure.
22. Drug stores.
23. Florists.
24. Electronic equipment sales, service and repair.
25. Equipment rental with only inside storage facilities.
26. Essential services.
27. Fish markets.
28. Fruit stores.
29. Furniture stores.
30. Furriers and fur apparel.
31. Garden centers.
32. Grocery stores.
33. Gift stores.
34. Hardware stores.
35. Hobby and craft shops.
36. Interior decorators.
37. Indoor tennis and racquetball courts, physical fitness centers and health clubs.
38. Insurance sales office.
39. Janitorial supplies and services.
40. Jewelry stores.
41. Medical and dental clinics.
42. Mail order service stores.
43. Messenger services.
44. Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.
45. Law offices.
46. Liquor stores.
47. Meat markets.
48. Music stores.
49. Neighborhood food store.
50. Newspaper and magazine stores.
51. Office supplies and business machine stores.
52. Optical stores.
53. Pet stores and pet grooming.
54. Paint, glass and wallpaper stores.
55. Public utility offices.
56. Photography and art studios.
57. Physical fitness centers.
58. Printing services, limited to no more than 2,000 square feet of floor area.
59. Plumbing and heating supplies.
60. Real estate sales offices.
61. Restaurants, including drive-in restaurants.
62. Radio and television broadcast or recording studios, not including transmitting towers.
63. Residential quarters.
64. Restaurants, except drive-in restaurants. No live entertainment other than music or dancing shall be permitted.
65. Self service laundry and dry-cleaning establishments.
66. Shoe stores and leather goods stores.
67. Soda fountains and ice cream stores.
68. Sporting goods stores.
69. Stockbrokers and securities dealers.
70. Taverns and cocktail lounges.
71. Testing laboratories.
72. Tailor or dressmaking shops.
73. Tobacco stores.
74. Travel agency.
75. Upholstering.
76. Utility offices.
77. Variety stores.
78. Video tape sales and rental.
79. Vegetable stores.

(b) **Permitted Accessory Uses**:

1. Garages used for storage of vehicles used in conjunction with the operation of the business.
2. Off-street parking and loading areas.
3. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
4. Solar collectors attached to the principal structure.

(c) **Conditional Uses**:

1. Animal hospitals.
2. Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
3. Car washes.
4. Contractor's offices and shops, provided that there shall be no outdoor storage of equipment and materials.
5. Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service stations canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
6. Hotels and motels.
7. Lumber yards, millwork, sawmills and planing mills.
8. Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.

(d) **Lot Area and Width**: Lots shall have a minimum area of 40,000 square feet along 27th Street and 30,000 square feet elsewhere, and shall be not less than 150 feet in width.

(e) **Building Height and Area**:

1. Principal buildings shall be a minimum of two (2) stories. No accessory building shall exceed seventeen (17) feet in height.
2. The sum total of the floor area on tall floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) **Setback and Yards**:

1. There shall be a minimum front setback of fifty (50) feet from the 27th Street right-of-way.
2. Within the Urban Village there shall be a front build-to-line five (5) feet from the right-of-way.
3. There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet.
4. There shall be a rear setback of not less than twenty-five (25) feet.
5. Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than ten (10) feet.

(g) **Design Standards**:

1. The Urban Village shall provide: a central and integrated public gathering space such as a park or plaza; a balance of residential and non-residential uses; and civic and social facilities.
2. The Urban Village shall be accessible by car, foot and bicycle.
3. Buildings within the center of the Village shall define the main common place.
4. Commercial or retail uses shall be limited to the ground floor with residential units or office space on upper floor(s).
5. Commercial uses on the ground floor shall be transparent at a minimum of fifty (50) percent .
6. Parking shall not be allowed in the front of buildings, unless it is on-street, parallel or head-in. Larger, well-landscaped parking areas shall be placed to the rear of buildings and connected to the front by well-designed pedestrian pathways.
7. Buildings near the Village center shall be closely spaced providing for façade continuity. Buildings shall also be located close to the street.
8. Commercial buildings may be set back from the property line if an outdoor display or café is anticipated.
9. Residential net density shall generally decrease from the Village center toward the periphery of the development.
10. A mix of dwelling types shall be distributed throughout the development. Small lots and higher net density dwelling units are generally located closer to the Village center and commercial area.
11. Harmonious architectural styles are expected throughout the district. This does not imply that all buildings shall look identical; rather each shall employ similar qualities and architectural elements consistent with the corridor or district identity.
12. Urban Villages shall incorporate minimum lot sizes and allow generally higher densities than surrounding areas.
13. Residential areas shall be designed in a manner so that residents are within a five (5) minutes walking distance of neighborhood retail and services uses.
14. The residential land use component shall include a mix of housing densities, ownership patterns, and cost and building types. Residential units shall be located so that the higher density units are closer to transit stops than the lower density units. Townhouses and courtyard housing shall be used as a transition between commercial areas and lower density residential areas.

Ordinance 2346, A 6/21/05, Sec. 17.0331
Ordinance 2489, A 1/15/08,,Sec. 17.0331(a)&(c)

SEC. 17.0332 NO - MIXED-USE NEIGHBORHOOD OVERLAY DISTRICT

The Mixed-Use Neighborhood Overlay District is intended to provide local retail products and services, both single and multi-unit residential units along the 27th Street corridor, while preserving and maintaining the environmentally sensitive areas. The design standards of Section 17.0329 shall apply to the Mixed-Use Neighborhood Overlay District.

(a) **Permitted Uses**: The following are permitted uses, provided that there is no outdoor storage of merchandise:

1. Antique and collectors stores.
2. Art supply stores.
3. Automotive parts and accessories without installation.
4. Bakeries where not more than fifty (50) percent of the gross floor area is devoted to the processing of bakery goods; and not employing more than five (5) persons at any one time.
5. Banks, savings and loan associations and other financial institutions.
6. Barber shops.

7. Beauty shops.
8. Book or stationary stores.
9. Bowling alleys.
10. Business offices.
11. Camera and photographic supply stores.
12. Clothing stores.
13. Catering services.
14. Coin and philatelic stores.
15. Confectioneries and ice cream stores.
16. Currency exchanges.
17. Convenience food store.
18. Delicatessens.
19. Drug stores.
20. Florists.
21. Electronic equipment sales, service and repair.
22. Equipment rental with only inside storage facilities.
23. Essential services.
24. Fish markets.
25. Fruit stores.
26. Furniture stores.
27. Furriers and fur apparel.
28. Garden centers.
29. Grocery stores.
30. Gift stores.
31. Hobby and craft shops.
32. Interior decorators.
33. Insurance sales offices.
34. Janitorial supplies and services.
35. Jewelry stores.
36. Medical and dental clinics.
37. Mail order service stores.
38. Messenger services.
39. Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.
40. Law offices.
41. Liquor stores.
42. Meat markets.
43. Music stores.
44. Neighborhood food store.
45. Newspaper and magazine stores.
46. Office supplies and business machine stores.
47. Optical stores.
48. Pet stores and pet grooming.
49. Paint, glass, and wallpaper stores.
50. Public utility offices.
51. Photography and art studios.
52. Printing services, limited to no more than 2,000 square feet of floor area.
53. Plumbing and heating supplies.
54. Real estate sales offices.
55. Radio and television broadcast or recording studios, not including transmitting towers.
56. Restaurants, except drive-in restaurants. No live entertainment other than music or dancing shall be permitted.
57. Self service laundry and dry-cleaning establishments.
58. Shoe stores and leather goods stores.
59. Soda fountain and ice cream stores.
60. Sporting goods stores.
61. Stockbrokers and securities dealers.
62. Taverns and cocktail lounges.
63. Testing laboratories.
64. Tailor or dressmaking shops.
65. Tobacco stores.
66. Travel agency.
67. Upholstering.
68. Variety stores.
69. Video tape sales and rental.
70. Vegetable stores.

(b) **Permitted Accessory Uses**:

1. Garages used for storage of vehicles used in conjunction with the operation of the business.
2. Off-street parking and loading areas.
3. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
4. Solar collectors attached to the principal structure.

(c) **Conditional Uses**:

1. Animal hospitals.
2. Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
3. Car washes.
4. Contractor's offices and shops, provided that there shall be no outdoor storage of equipment and materials.
5. Drive-in and Drive-through facilities. No drive-in restaurant shall sell or dispense alcoholic beverages.
6. Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service stations canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
7. Group day care centers.
8. Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.
9. Multifamily residential

(d) **Lot Area and Width**: Lots shall have a minimum area of two (2) acres and shall be not less than 150 feet in width.

(e) **Building Height and Area**:

1. No principal building or parts of a principal building shall exceed fifty (50) feet in

height. No accessory building shall exceed seventeen (17) feet in height.

2. The sum total of the floor area on tall floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) **Setback and Yards**:

1. There shall be minimum front setback of twenty-five (25) feet from the right-of-way of all streets for single-family residential uses.
2. There shall be a maximum setback of twenty-five (25) feet from the right-of-way of all streets for commercial and multiunit residential uses.
3. There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet.
4. There shall be a rear setback of not less than twenty-five (25) feet.
5. There shall be a minimum wetland setback of fifty (50) feet.
6. Accessory building shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than ten (10) feet.

(g) **Design Standards**:

1. Multi-unit residential buildings shall be no more than five (5) feet from the right-of-way.
2. A lot with multiple buildings, such as townhouses, shall include a community greenspace.
3. Multi-unit and mixed-use residential buildings greater than eight (8) units shall include underground parking.
4. Creative and unique development patterns are expected. Conventional subdivisions that do not respect the area's natural features or topography and do not create a sense of neighborhood shall not be allowed.
5. Multi-unit buildings on corner lots shall be designed with careful attention to architectural detail and site design since they are highly visible from adjacent streets.
6. Lots for apartment or condominium buildings shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and commercial or residential uses shall be carefully designed and landscaped.
7. Courtyards or internal parks enclosed by apartment or condominium structures are highly encouraged. A logical network of walkways that connect sidewalks, common open space, and parking lots shall be provided.
8. When site conditions enable the locations of apartment or condominium buildings close to 27th Street, a landscape buffer between the street and development lot lines shall be provided.
9. Setbacks and screening shall be provided between apartment or condominium buildings/parking areas and adjacent properties.
10. Whenever possible, developments shall be organized around interconnected greenways.
11. Curb-cuts may be allowed to minimize disturbance to topography and other environmentally sensitive areas.
12. Large expanses of one housing style to type (i.e. single family, garden apartments, duplexes, etc.) are not desirable.
13. Neighborhood designs shall encourage walking to destinations in the area. Street layouts shall not be so circuitous and lacking in connections between streets that residents are forced to drive. The use of cul-de-sacs are not permitted, unless by using them, significant environmental resources are protected.
14. Front porches and stoops are encouraged on both single and multi-family units.
15. Buildings with multiple dwelling units are expected to include varied rooflines, and varied façade depths to create variety and individuality of dwelling units within the building.

Ordinance 2346, A 6/21/05, Sec. 17.0332
Ordinance 2468, A 8/21/07, Sec. 17.0332(f)(2)
Ordinance 2501, A 5/6/08, Sec. 17.0332(a)56,(c)9

SEC. 17.0333 OO – MIXED-USE OFFICE OVERLAY DISTRICT

The purpose of the Mixed-Use Office Overlay District is to provide for office and professional uses along the 27th Street corridor while integrated a mix of retail and open space uses. The design standards of Section 17.0329 shall apply to the Mixed-Use Office Overlay District.

(a) **Permitted Uses**:

1. Administrative and public service offices.
2. Banks, savings and loan, and other financial institutions.
3. Business offices.
4. Insurance sales offices.
5. Interior decorators.
6. Law offices.
7. Licensed massage therapy and body work as certified by the State.
8. Medical and dental clinics.

9. Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, Christian science practitioner, dentist, optometrist, clergy or other similarly recognized profession.
10. Real estate and insurance sales offices.
11. Studios for photography, painting, music, sculpture, dance, pottery and jewelry.

(b) **Permitted Accessory Uses**:
1. Barber shops and beauty shops.
2. Group day care center without outdoor activity areas.
3. Drug Stores.
4. Educational Services.
5. Job training and related services.
6. Janitorial supplies and services.
7. Physical fitness centers.
8. Video production.
9. Garages used for storage of vehicles used in conjunction with the operation of the business.
10. Cafeterias, delicatessens, and restaurants accessory to and located within the same building as a permitted use.
11. Off-street parking and loading areas.
12. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
13. Solar collectors attached to the principal structure.

(c) **Conditional Uses**:
1. Drive-through financial institutions.
2. Group day care centers with outdoor activity areas.
3. Hotels (minimum three (3) stories).
4. Radio and television and receiving stations, and studios.
5. Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
6. Solar energy collectors erected as an accessory structure.

(d) **Lot Area and Width**: Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width.

(e) **Building Height and Area**:
1. The principal building shall be at least two (2) stories in height with no maximum. No accessory building shall exceed seventeen (17) feet in height.
2. Special use approval shall be required for buildings greater than 40,000 square feet.
3. Retail and service establishments shall be less than 10,000 square feet in tenant area with interior access in office buildings.

(f) **Setback and Yards**:
1. There shall be a minimum front setback of fifty (50) feet from the right-of-way of all streets.
2. There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
3. There shall be a rear setback of not less than thirty (30) feet.
4. Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than ten (10) feet.
5. There shall be a minimum wetland setback of fifty (50) feet.

(g) **Design Standards**:
1. Whenever possible, development shall be organized around open space that can provide natural stormwater retention, greenway trails, etc. However, coordinated developments may share common open space for stormwater detention, greenway trails, etc.
2. Provision of retail opportunities is encouraged to create a mixed-use environment. Developments are encouraged to incorporate well-designed open spaces for employee, customer, and community use.
3. Corner buildings shall be designed with additional height and/or architectural details to reinforce their location.
4. The incorporation of landscape, water features, and other design features are encouraged at intersections or along the development frontage to enhance the view of the structures from the street.
5. New developments shall include attractively designed, well-connected, streets with coordinated amenities.
6. The street layout shall be adapted to the topography, unique natural features, environmental constraints of the site, and peripheral open space areas. The street layout shall provide for open space views and surrounding vistas.

Ordinance 2346, A 6/21/05, Sec. 17.0333

SEC. 17.0334 DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT DISTRICT

The purpose of the Drexel Town Square Mixed Use Planned Development District is to provide for a hybrid town center which integrates the following per-

mitted uses as more particularly described in the General Development Plan:

1. Moderate density multi-family units
2. Mixed-use commercial, residential and civic buildings
3. Large format anchor retail
4. City Hall and Library
5. Environmentally sensitive park and wetland preserve

The General Development Plan for the Drexel Town Square Planned Development including a list of specific permitted and conditional uses shall be approved by a separate City Zoning Ordinance and will establish recommendations and requirements as defined in the general development plan for uses, infrastructure design, parking design, sustainability, building design guidelines, lot area and width, building height and area, setbacks and yards, and design standards.

Except for subsections (d) (5), (6) and (7), Section 17.0325 of the Municipal Code shall apply to the Drexel Town Square Mixed use Planned Development District.

Ordinance 2686, A 8/5/13 Sec. 17.0334

TRAFFIC, LOADING, PARKING AND ACCESS

SEC. 17.0401 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 ½) feet and 10 feet above the plane through the mean curb grades (See Illustration No. 1) within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. (See Illustration No. 2).
In the Case of Arterial Streets intersecting with other streets or railways, the corner cut-off distances establishing the vision triangle clearance space shall be increased to 50 feet. (See Illustration No. 2).

SEC. 17.0402 LOADING 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 specified below for the loading and unloading of vehicles off the public right-of-way.

(a) Number of loading and unloading spaces required:

Gross Floor Area of Building

In Square Feet	Number of Spaces
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 75,000 square feet (or fraction thereof) of gross floor area, one (1) additional loading and unloading space shall be provided.

(b) Each loading and unloading space shall have access to a public dedicated street or alley.

(c) The minimum area for each loading and unloading space, excluding the area needed to maneuver, shall be 250 square feet.

(d) 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.

SEC. 17.0403 PARKING REQUIREMENTS.
In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking spaces and lots for all vehicles in accordance with the following:

(a) Adequate access to a public street shall be provided for a parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings, and a minimum of 24 feet wide at the property line for all other uses.

(b) The minimum dimensions of each parking space shall be nine (9) feet by 18 feet, except for spaces provided for use by physically disabled persons.

(c) Parking Spaces For Use By Physically Disabled Persons. All open off-street parking areas provided for more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the requirements of Section 346.503 of the Wisconsin Statutes.

(d) Parking Lot Geometrics. The minimum length of parking stalls shall be modified in parking lots based on the aisle width and the angle of parking. Parking stalls shall conform to the following minimum dimensions:

Parking Angle	Minimum Stall Width	Minimum Perpendicular Stall Width	Minimum Aisle Width
90°	9 ft.	18 ft.	22 ft.
75°	9 ft.	20 ft.	19 ft
60°	9 ft.	19 ft. 6 in.	16 ft.
45°	9 ft.	19 ft. 6 in.	13 ft.
30°	9 ft.	17 ft.	10 ft.

(e) Location of parking spaces is to be on the same lot as the principal use except as provided in Section 17.0404 of this Chapter. All parking shall be set back from street rights-of-way and adjacent lot lines in accordance with the following schedule:

District	Setback from Right-of-way	Setback from Side & Rear Property Lines
1- or 2-Family Residential	0	5

(NOTE: Residential parking shall be located in a garage or carport or on a driveway that does not exceed twenty-four (24) feet in width, except for a spur that is a maximum of ten (10)

feet by twenty (20) feet or the flare to access a parking area in the side or rear yard.)

District	Setback from Right-of-way	Setback from Side & Rear Property Lines
Multifamily Residential	25	15
Commercial	10	0

(NOTE: Commercial and manufacturing parking lots and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by Section 17.0205 of the Municipal Code)

District	Setback from Right-of-way	Setback from Side & Rear Property Lines
Manufacturing	30	0

(NOTE: Commercial and manufacturing parking lots and driveways shall be located no closer than fifteen (15) feet to a residential zoning district line.)

District	Setback from Right-of-way	Setback from Side & Rear Property Lines
Park or Institutional	15	15

(f) Surfacing.

(1) Parking Lots. All off-street parking lots shall be surfaced with an asphaltic concrete or portland cement pavement; so as to provide a durable and dust-free surface and shall be so graded and drained as to dispose of all surface water in accordance with the requirements of Section 16.08 of the Municipal Code of the City of Oak Creek. The required off-street parking spaces (parking lots) shall be completely paved prior to the issuance of the occupancy permit for all new buildings and prior to the final inspection of all building additions. However if the new building or building addition is completed during the November to March period, the pavement shall be completed by July 1 of that year.

(2) Single-Family and Two-Family Residential. All driveways shall be surfaced with asphaltic concrete or portland cement pavement for at least the first thirty (30) feet, as measured from the front lot line toward the principal building within one year of the issuance of the initial occupancy permit.

(3) All Driveway Approaches shall be installed in accord with the provisions of Chapter 6 of the Municipal Code.

(g) Landscape Area. All public off-street parking lots which serve five (5) vehicles or more and are created or extended subsequent to the adoption of this Chapter shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. For parking lots designed for twenty-five (25) parking spaces or more, at least one-half of the minimum five (5) percent landscaped area shall be within the parking lot. When parking lots are extended, these regulations shall apply only to the extended portion of the parking lot. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the City Plan Commission. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. All plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. (See Illustrations No. 3 and No. 4)

(h) Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, and large equipment.

(i) Single-Family and Two-Family Residential Parking shall be limited to parking within gar-

ages and upon residential driveways. Paving beyond driveways to cover all or substantial portions of a residential front yard shall be prohibited.

(j) The Following Guide Specifies The Minimum Number of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of two or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.

(1) Residential Uses (including garage spaces):

a. Single-family and two-family dwellings, two (2) spaces per dwelling unit.

b. Multiple-family dwellings, one and one-half (1 ½) spaces per efficiency and one-bedroom dwelling unit, two (2) spaces per two-bedroom dwelling unit, and two and one-half (2 ½) spaces per three-bedroom or larger dwelling unit.

c. Mobile homes and manufactured homes, two (2) spaces per dwelling unit.

d. Housing for the elderly, one (1) space per dwelling unit.

(2) Retail sales and customer service uses, and places of entertainment, except as specifically set forth below, one (1) space per 150 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees:

a. Financial Institutions, one (1) space for each 150 square feet of gross floor area of customer service, plus one (1) space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for at least four (4) waiting vehicles at each drive-in service device and no queuing spaces shall preclude the use of any parking spaces, nor shall any queuing take place in the public right-of-way.

b. Funeral Homes, one (1) space for each four (4) patrons at maximum capacity, or 25 spaces per chapel unit, whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.

c. Grocery Stores or Supermarkets, one (1) space per 150 square feet of gross floor area of customer sales and service area, plus one (1) space per employee for the work shift with the largest number of employees.

d. Convenience Grocery Stores, one (1) space per 100 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

e. Motels and Hotels, one (1) space per room or suite, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per three (3) persons, based on maximum capacity, for each public meeting room and/or banquet room, plus one (1) space per employee for the work shift with the largest number of employees.

f. Lodges and Clubs, one (1) space per three (3) persons based on the maximum capacity of the facility based on the Fire Department rating of the building, plus one (1) space per employee for the work shift with the largest number of employees.

g. Restaurants, one (1) space per 150 square feet of gross dining area, plus one (1) space per employee for the work shift with the largest number of employees.

h. Restaurants, Drive-In or Fast-Food, one (1) space per 50 square feet of gross dining area, plus one (1) space per employee for the work shift with the largest number of employees. Drive-in restaurants with drive-through facilities shall provide sufficient space for at least four (4) waiting vehicles at each drive-through service lane and no queuing spaces shall preclude the use of any parking spaces, nor shall any queuing take place in the public right-of-way.

i. Repair Services, one (1) space per 300 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

j. Theaters, Auditoriums and Other Places of Public Assembly, one (1) space per three (3) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number of employees.

k. Personal Services, one (1) space per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
l. Taverns, Dance Halls, Night Clubs and Lounges, one (1) space per 50 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
m. Motor Vehicle Sales Establishments, two (2) customer parking spaces per salesperson, plus one (1) space per employee for the work shift with the largest number of employees.
n. Motor Vehicle Repair, Maintenance, and Service Stations, three (3) spaces per indoor service bay, plus one (1) space per employee for the work shift with the largest number of employees.
o. Car Washes, one (1) space per employee for the work shift with the largest number of employees. Car washes shall provide sufficient space for at least four (4) waiting vehicles at each washing stall and sufficient space for drying two (2) vehicles after each washing stall so as not to allow any queuing of vehicles to take place in the public right-of-way.
p. Animal Hospitals, three (3) patron parking spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
q. Plant Nurseries, and Lawn and Garden Supply Stores, one (1) space per 200 square feet of gross indoor sales and display area, plus one (1) space per 500 square feet of gross outdoor sales and display area, plus one (1) space per employee for the work shift with the largest number of employees.
r. Shopping Centers (Gross Leasable Area of Less Than 50,000 Square Feet), seven (7) spaces per 1,000 square feet of gross leasable area, plus one (1) space per employee for the work shift with the largest number of employees.
s. Shopping Centers (Gross Leasable Area of 50,000 Square Feet or More), five and one-half (5 ½) spaces per 1,000 square feet of gross leasable area, plus one (1) space per employee for the work shift with the largest number of employees.

(3) Offices:
a. Medical, Dental and Similar Professional Health Service Offices, five (5) patron spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
b. Government, Professional and Business Offices, one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

(4) Commercial/Recreational Uses, except as specifically set forth below, one (1) space per four (4) patrons, plus one (1) space per employee for the work shift with the largest number of employees.
a. Bowling Alleys, five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
b. Golf Courses, ninety (90) spaces per nine (9) holes, plus one (1) space per employee for the work shift with the largest number of employees.
c. Golf Driving Ranges, one (1) space per tee, plus one (1) space per employee for the work shift with the largest number of employees.
d. Marinas, one (1) space per five (5) boat berths, plus three (3) spaces per boat launching ramp, plus one (1) space per 500 square feet of dry boat storage area, plus one (1) space per employee for the work shift with the largest number of employees. At least 20 percent of the spaces required for boat launching ramps shall be at least 9 feet by 35 feet to accommodate cars with boat trailers.
e. Miniature Golf Course, one and one-half (1 ½) spaces per hole, plus one (1) space per employee for the work shift with the largest number of employees.
f. Racquetball and Handball Courts, three (3) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees, plus parking for other uses.
g. Skating Rinks, Ice or Roller, one (1) space per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
h. Tennis Courts, four (4) spaces per court, plus one (1) space per employee for the work shift with the largest

number of employees, plus parking for other uses.

i. Volleyball Courts, fifteen (15) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees, plus parking for other uses.

(5) Manufacturing and Related Uses:

a. Manufacturing, Processing, and Fabrication Operations, one (1) space per employee for the work shift with the largest number of employees.

b. Wholesale Business - one (1) space per 2,500 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

c. Warehousing - one (1) space per 5,000 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

d. Mini-Warehousing, one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.

(6) Institutional and Related Uses:

a. Churches, one (1) space per three (3) seats based on the maximum capacity of the facility.

b. Libraries, one (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats based on maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.

c. Museums, one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

d. Rooming and Boarding Houses, Fraternity and Sorority Houses, and Dormitories, one (1) space per bed.

e. Convents, Rectories and Monasteries, one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.

f. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.

g. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.

h. Schools:

1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.

2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.

3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

Ordinance #2002 A 6/1/99 Sec. 17.0403(e)
Ordinance #2078 A 6/20/00 Sec. 17.0403(e)
Ordinance #2756 3/03/15 Sec. 17.0403(e)

SEC. 17.0404 ADJUSTMENTS TO REQUIRED PARKING

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

(a) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

(1) <u>Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements</u>. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the op-

eration will require less parking than the Chapter requires.

(2) Availability of Shared Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that such shared parking can be accomplished. Any and all such agreements shall be recorded with the Milwaukee County Register of Deeds, at the applicants expense, and a copy of the recorded agreement shall be filed with the City Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

(3) Use of Optional Modes of Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but is not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Parking management plans/operations may also be used as a basis to reduce required parking. Parking management plans may include, but are not limited to, flexible working hours or shifts, preferential parking for car pools/van pools, transit/van pool fare subsidy, imposition of a charge for parking, and establishment of a transportation coordinator to implement car pool, van pool, and transit programs. Proposals for adjustments of parking requirements under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.

(4) All businesses that cater to customers who drive vehicles larger than what can be accommodated in a 10' X 20' parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles.

(b) Space to be Set Aside for Reduced Parking. The site plan for the commercial or industrial use shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this Chapter. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this Chapter at the time of application.

(c) Changes in Occupancy or Use. When the use of a building, structure, or land is changed to another use or occupancy that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupancy in the amount necessary to conform to this Chapter prior to the issuance of a Certificate of Occupancy for the new use.

(d) Changes in Intensity of Use. When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this Chapter.

(e) Plan Commission Review and Verification. The Plan Commission shall review the adequacy of parking where an adjustment to parking requirements has been granted within one year following such parking modification grant--and periodically thereafter--to determine that the conditions justifying the parking requirement still exist. If the parking is found to be inadequate, the Plan Commission shall order the use of the property to comply with the parking requirements set forth in Section 17.0403(I) of this Chapter.

Ordinance #2257 A7/15/03 Sec. 17.0404(a)

SEC. 17.0405 PARKING OF CARS, TRUCKS & RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

(a) No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway in any residential zoning district except as provided herein. Properties currently zoned residential and still used for agricultural purposes shall be exempt from the provisions of this Section.

(1) Vehicles that do not exceed 12,000 lb. manufacturer's gross vehicle weight may be parked on a drive-

way. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of crushed stone, asphalt, concrete, brick or other similar hard surface material.

(2) A gathering, not to exceed 24 hours at any one time which results in more than the allowable number of vehicles parked on a property, would be exempt from these parking limits for the 24-hour period.

(3) Additional vehicles may be parked or stored on the lot within a fully enclosed building or structure.

(4) Vehicles shall be located outside of all ultimate rights-of-way, vision clearance triangles and drainage and utility easement areas.

(5) A semi-tractor or vehicles over 12,000 lb. manufacturer's gross vehicle weight may be parked in a residential district if it is parked on the owner's developed property and the property is located along and having access to a Class A highway.

a. Vehicles over 12,000 lb. manufacturer's gross vehicle weight which were parked prior to the adoption of this Chapter or prior to the change in the class designation of the highway on property fronting a road that had been changed from a Class A Highway to a Class B Highway or is changed in the future from a Class A Highway to a Class B Highway, may be parked on the owner's property, subject to the regulations in this section.

(b) No boat, boat trailer, mobile home, motor home, motor coaches, truck campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, sport aircraft and their trailer, canoes or kayaks and their trailers, all terrain vehicles and their trailers, tent campers, folding campers, snow mobiles and their trailers, cases or boxes used to transport recreational vehicles or their equipment, yard maintenance equipment and similar equipment or vehicles shall be parked or stored outside on a residentially zoned lot, except as provided herein:

(1) They shall be located in the rear or side yard and not closer than two (2) feet to a side or rear lot line.

(2) Front yard location shall only be allowed on a driveway or turnaround, parked as close to the home as possible.

(3) They shall be located outside of all ultimate rights-of-way, vision clearance triangles and drainage and utility easement areas.

(4) The recreational vehicle shall be maintained in operable condition.

(5) Recreational vehicles that require registration shall be properly registered.

(6) No recreational vehicles or equipment shall be stored in any open space outside a building unless such equipment is owned by the property owner or children of the property owner or resident at the property in question. If the property is rented, such storage shall be permitted for the tenant only provided that such equipment is owned by the tenant.

(7) All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle must be kept weed-free and free of accumulation of other stored material.

(c) One (1) major recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot of one-half acre (21,780 sq. ft.) or less provided it shall not exceed 8.5 feet in width, thirteen (13) feet in height and thirty-two (32) feet in overall length.

(d) One (1) major recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot of more than one-half acre (21,780 sq. ft.) provided it shall not exceed 8.5 feet in width, thirteen (13) feet in height and thirty-seven (37) feet in overall length

(e) Except within an approved campground or mobile home park, no recreational vehicle shall be used for the purpose of permanent habitation, living or housekeeping purposes in the city of Oak Creek. Permanent habitation is defined as living in one place for more than ten (10) consecutive days.

(f) This Chapter is not intended to allow parking and storage of recreational vehicles or equipment where they may be otherwise prohibited by deed

restriction, covenant, prior orders, developer's agreement, or otherwise limited to topography or environmental restrictions.

(g) No semi-trailers are allowed to be parked in any residential zoning district.

SEC. 17.0406 HIGHWAY ACCESS

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the Plan Commission and the highway agency that has access control jurisdiction. In addition, direct public or private access (driveway) to streets and highways shall be permitted in accordance with the following:

(a) Driveways in the Vicinity of Freeways, Interstate Highways, and their interchanges or turning lanes shall be located a minimum of 250 feet from the most remote end of the exit or entrance ramp.

(b) Driveways on Arterial Streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection of the right-of-way on the two streets.

(c) Driveways on Collector or Local Streets shall be located a minimum of 50 feet from a street intersection. Said setback shall be measured from the intersection of the right-of-way on the two streets.

(d) Residential Driveways on Corner Lots shall be located on the lower level of traveled street based on the local, collector, or arterial designation of the streets.

(e) Access Barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be placed to prevent unauthorized vehicular ingress or egress along the segments of street frontage corresponding to the minimum distances from street intersections mentioned above in items a, b and c.

(f) Temporary Access to the above rights-of-way may be granted by the City Engineer after review and recommendation by the other highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required.

ACCESSORY USES, HOME OCCUPATIONS, FENCES, AND ANTENNAS

SEC. 17.0501 ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are usually and customarily incidental to the principal use that is located on the same property as the accessory use or structure.

(a) Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein:

(1) An accessory use permit shall be required where specifically noted in this Section.

(2) Accessory uses shall be compatible with the principal use and are permitted only after their principal structure is present or under construction.

(b) Accessory structures such as detached garages, gazebos, garden or utility sheds shall be subject to the following regulations:

(1) An accessory building of 720 square feet or less may be erected, altered or moved to a location that is not less than five (5) feet from the nearest wall of a principal building; if it is constructed with a one-hour fire rating per ILHR 21.08 or Section 30.43 of the Municipal Code. Without the one-hour fire rating, the minimum separation shall be ten (10) feet. The building shall also not be located within the front yard of the lot nor within five (5) feet of side or rear property lines within residence districts. This section does not apply to an accessory building that is structurally a part of the principal building.

(2) No accessory building shall encroach upon the street yard of a corner lot.

(3) No accessory building shall have more than one story, nor exceed seventeen (17) feet in height; unless otherwise permitted as accessory to business and manufacturing uses or to authorized special uses.

(4) No accessory building greater than 720 square feet shall be erected, altered or moved to a location within twenty (20) feet of the nearest wall of the principal building, or within the required area for the front yard of the lot nor within fifteen (15) feet of side or rear property lines within residence districts.

(5) Height of Accessory Buildings.

a. On lots less than 21,780 square feet, the height of any exterior wall of an accessory building shall not exceed nine (9) feet; except for the end walls of buildings with a gable or gambrel roof.

b. On lots 21,780 square feet or more, the exterior walls shall not exceed twelve (12) feet; except that the end walls of buildings with a gable or gambrel roof may exceed twelve (12) feet. The location of said accessory building shall be reviewed and approved by the Plan Commission.

(6) Area of Accessory Buildings.

a. The maximum square footage of detached accessory buildings or garages on single family residential lots, less than 21,780 square feet, shall be 720 square feet. No pole or block buildings will be permitted on single family residential lots less than 21,780 square feet.

b. The maximum square footage of detached accessory buildings or garages on a single family residential lot greater than ½ acre (21,780 square feet) shall be the greater of 720 square feet or 75% of the square footage of the principal building; but in no event shall the detached accessory building be larger than 1,000 square feet.

c. The provisions of this subsection as they apply to special uses are subject to modification by the Common Council.

(7) Accessory garages and sheds greater than 120 square feet in area shall require the issuance of a building permit. Accessory buildings 120 square feet in area or less shall not require the issuance of a building permit, but must still abide by all the requirements for accessory structures set forth in this code.

(8) The maximum number of accessory buildings allowable on any single family residential parcel one acre or less shall be two (2). Two (2) accessory buildings shall be allowed on single family parcels which are greater than one acre without Plan Commission approval. Plan Commission approval of accessory buildings in excess of two (2) on single family parcels greater than one acre is required.

(c) The following accessory structures that are not buildings shall be constructed on a property as follows:

(1) <u>Patios</u>, constructed at or below yard grade, may be installed in the rear or side

yard adjacent to a principal structure without the issuance of a building permit; and shall not be located closer than five (5) feet to a lot line.

(2) Decks located adjacent to or attached to a principal structure shall not be closer to the lot line than the required side setback and rear setback for principal structures for the district in which they are located. Freestanding decks surrounding private swimming pools shall be located at least ten (10) feet from the principal structure and shall be located at least five (5) feet from a side or rear lot line. All decks shall require the issuance of a building permit.

(3) Residential Air Conditioning Condensers may be located adjacent to a residence in the rear yard and side yard, provided that all condensers shall be located at least five (5) feet from a side or rear lot line. Residential air conditioning condensers shall not be located in the front yard.

(4) Private Swimming Pools are permitted as accessory uses in the rear yard in any district; except the C-1 Conservancy Districts, the FW Floodway District, the FF Flood Fringe District or the GFP General Floodplain District; however the swimming pool shall be located at least ten (10) feet from the principal structure, be located at least five feet from any side or rear lot line, and be installed in accordance with the City building, plumbing, and electrical codes, including the issuance of all required permits.

(5) Private Tennis Courts are permitted as accessory uses in the rear yard in any district; except the C-1 Conservancy Districts, the FW Floodway District, the FF Flood Fringe District or the GFP General Floodplain District. A building permit is required for all tennis courts and:

a. All tennis courts shall be surrounded by a fence not less than ten (10) feet in height.

b. No lighting installed around a tennis court shall project onto adjacent properties; and

c. No private tennis court shall be located closer than five (5) feet to a lot line.

(6) Firewood shall not be stored in the front yard.

(7) Flagpoles are permitted as accessory uses in all yards of any zoning district.

(8) Municipally-owned emergency sirens are permitted as accessory structures in all yards on any property in any zoning district with or without an existing principal structure or use.

(d) Home Occupations are permitted accessory uses in any residential district, not requiring a building permit, provided that:

(1) The primary use of the structure shall be as a dwelling unit.

(2) The following standards shall be complied with in full at all times:

a. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises;

b. No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;

c. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes;

d. There shall be no outside operations, storage, or display of materials or products;

e. Total storage of materials or products used in the business shall not exceed 128 cubic feet in volume.

f. No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation;

g. No process shall be used which is hazardous to public health, safety, morals, or welfare;

h. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two business visitors per hour, not to exceed a total of eight visitors per day, and not more than two deliveries of product or material per week;

i. The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas; and

j. No advertisement shall be placed in any media containing the address of the property.

(3) Only the following uses shall be permitted as home occupations:
   a. Architectural services;
   b. Art restoration;
   c. Art studios;
   d. Baby sitting;
   e. Cake decorating;
   f. Consulting services;
   g. Contracting, except carpentry, masonry services, electrical services, plumbing, and painting;
   h. Data processing;
   i. Dental technician with laboratory;
   j. Direct sales representative (such as Amway, Avon, Tupperware, or Herbalife);
   k. Drafting and graphic services;
   l. Dressmaking, sewing, tailoring, contract sewing (no more than one type of any machine);
   m. Electronic assembly;
   n. Engineering services;
   o. Financial planning and investment services;
   p. Flower arranging;
   q. Gardening and grass cutting;
   r. Home crafts (including ceramics with a kiln up to six cubic feet);
   s. House cleaning services;
   t. Insurance sales and broker;
   u. Interior design;
   v. Jeweler and jewelry making;
   w. Laundry and ironing services;
   x. Locksmith;
   y. Mail order distribution (not including sales from the site);
   z. Millinery;
   aa. Private educational, musical or artistic lessons;
   bb. Professional home offices;
   cc. Real estate sales or broker;
   dd. Sales representative (office only);
   ee. Security services, security systems, and auto security systems;
   ff. Telephone answering, switchboard operation, and call forwarding;
   gg. Tutoring;
   hh. Typing and word processing services;
   ii. Wallpapering;
   jj. Watch repair; and
   kk. Writing and computer programming.

(4) Home occupations shall not be considered a nonconforming use should the regulations of this Chapter be revised or amended.

(e) Rummage Sales, not to exceed four (4) days in length and not occurring more than four (4) times per year, may be conducted in any residential or institutional district without the issuance of a building permit.

Ordinance # 2366, A 8/16/05 Sec. 17.0501

SEC. 17.0502 FENCES

Fences are a permitted accessory use in any district and may be erected provided that fences comply with the following requirements:

(a) Electric Fences are permitted, upon the issuance of a building permit, in the A-1 Limited Agricultural District and the ER Equestrian Residential District only. Electric fences are permitted adjacent to the lot line and shall not exceed four (4) feet in height in the street yard or six (6) feet in height in the side and rear yard.

(b) Residential Fences are permitted, upon the issuance of a building permit, in the side and rear yards of residential districts, but shall not exceed a height of six (6) feet, and shall not extend into the front yard or street yard. No fence shall be located closer than two (2) feet to any alley right-of-way line.

(c) Residential fences are permitted in the street yards of corner lots in residential zoning districts, but shall not exceed a height of four (4) feet and shall not extend into the vision clearance triangle.

(d) Security Fences are permitted, upon the issuance of a building permit, adjacent to the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height. The Plan Commission shall determine, before the issuance of a building permit, on a case-by-case basis the opacity of security fences, based upon consideration of the need to screen materials and upon safety considerations. Security fences shall comply with the traffic visibility requirements set forth in Section 17.0401 of this Chapter.

(e) Ornamental Fences, as defined in Section 17.1401 of this ordinance, are permitted, upon the issuance of a building permit, adjacent to the lot line in any district, but shall not exceed a height of three (3) feet when located in the front yard or street yard in a residential district unless otherwise authorized by the Plan Commission. Ornamental fences must maintain a minimum of fifty (50) percent open space unless otherwise authorized by the Plan Commission. Ornamental fences shall comply with the traffic visibility requirements set forth in Section 17.0401 of this ordinance. Ornamental fences shall not be chain link or wire fences.

Ordinance #2027 A 8/17/99 Sec. 17.0502(c)
Ordinance #2102 A 12/5/00 Sec. 17.0501(c)(8)
Ordinance # 2364 A 8/16/05 Sec. 17.0502(e)

SEC. 17.0503 ANTENNAS

Antennas, including earth station dish antennas, are permitted as accessory uses. Terrestrial antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Earth station dish antennas may be located in the rear yard in any residential district. Terrestrial antennas and earth station dish antennas may be located in the side or rear yard or on the roof of the principal structure in all agricultural, business, manufacturing, institutional or park districts. In addition:

(a) All Antennas, including earth station dish antennas, shall be manufactured and installed in compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations and applicable City building and electrical codes.

(b) Not More Than one (1) terrestrial and one (1) earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.

(c) Earth Station Dish Antennas shall be located and designed to reduce their visual impact on surrounding properties.

(d) No Form of Advertising or identification may be displayed on the dish or framework of an earth station dish other than the customary manufacturer's identification plates, except on an earth station dish that is less than 24" in diameter.

(e) Portable or trailer-mounted antennas are not permitted; with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two (2) days at any one location.

(f) Communication Structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building-mounted earth station dish antennas, shall not exceed a height of three times their distance from the nearest lot line. Ground-mounted earth station dish antennas shall not exceed a height of 15 feet. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.

SEC. 17.0504 WIRELESS TELE-COMMUNICATION SITES

(a) Background and Purpose. Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the City of Oak Creek regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers, which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the City of Oak Creek and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to provide for the establishment and or expansion of wireless telecommunication services within the City of Oak Creek while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- Encourage providers to co-locate their facilities on a single tower;
- Minimize the location of facilities in visually sensitive areas;
- Encourage creative design measures to camouflage facilities;
- Protect residential areas from potential adverse impacts of communication towers;
- Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(b) Location Preferences. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in the following order of preference.

1. On existing structures such as buildings, water towers and utility poles.
2. On existing towers that otherwise meet local, State and Federal regulations.
3. On new towers less than 100 feet in height located in institutional zones.

4. On new towers 100 feet or greater in height located in institutional zones.
5. On new towers less than 100 feet in height located in commercial or industrial zones.
6. On new towers 100 feet or greater in height located in commercial and industrial zones.
7. On new towers less than 100 feet in height located in residential zones.
8. On new towers 100 feet or greater in height located in residential zones.

(c) Permitted Uses. The following uses which, generally pose minimum adverse visual effect shall be permitted without review by the City of Oak Creek Plan Commission. Such permitted uses must obtain a building permit, and are subject to the submittal requirements established in Sections 17.1004 and 17.0504(e) of the Municipal Code.

1. Wireless telecommunications sites where the antenna is mounted to existing buildings, towers, utility poles, water towers, light standards or other structures provided the following standards are met:
   a. No changes are made to the height of such structure.
   b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
   c. No dish antenna shall exceed 3 feet in diameter.
   d. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the City of Oak Creek as part of the site plan review.

(d) Uses Allowed Only by Conditional Use Permit. Wireless telecommunications sites not otherwise permitted in subsection (c) shall be considered conditional uses in all zoning districts. In addition to specific requirements listed in Subsections (f) and (g), the standards provided in Section 17.1007 shall also apply to applications submitted under this section. Section 17.1007 shall also apply to application procedures, hearing and notice requirements.

(e) Site Plan Requirements. All proposals to develop a wireless telecommunication site shall be subject to the site plan requirements listed in Section 17.1009 of these regulations. In addition the following information shall be submitted:

1. Permitted Use:
   a. A plan showing where and how the proposed antenna will be affixed to a building or structure.
   b. Details of all proposed antenna and mounting equipment including size and color.
   c. An elevation of all proposed equipment buildings or boxes and details of all proposed fencing and screening.
   d. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.
   e. A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.
   f. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
   g. Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunications services that the proposed tower is designed to support.
   h. A report or letter from the Federal Aviation Administration (FAA) that the proposed tower complies with all airport safety requirements of and for General Mitchell International Airport.
   i. A map depicting the extent of the provider's planned coverage within the City of Oak Creek and the service area of the proposed wireless telecommunications site.

j. A map indicating the search radius for the proposed wireless telecommunication site.

2. Conditional Use Permit.
   a. All of the plans and information required for Permitted Uses in the previous subsection.
   b. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
   c. For towers located in a residential zoning district or within 1,000 feet of a residential zoning district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

(f) Height and Setback Requirements.
1. Height
   a. The maximum height of a tower proposed under Section 17.0504 shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.
   b. The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.
2. Setbacks.
   a. All freestanding monopole towers shall comply with the following minimum property line setbacks:
      1) Front Yard or Street Yard – A distance equal to ¾ of the height of the tower or the setback required for the underlying zone, whichever is greater.
      2) Side or Rear Yards in residential zones, 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
      3) Side or Rear Yards in nonresidential zones, 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. Where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.
   b. All other towers in residential zones shall provide a setback from any property line that is equal to 125 percent of the proposed tower height or 200 feet whichever is greater.
   c. All other towers in nonresidential zones shall provide a setback from any property line equal to the height of the tower.
   d. All equipment buildings/boxes or equipment areas, which are each 50 square feet or greater in area, shall comply with the minimum property line setbacks for a principal building in the underlying zone.
   e. All equipment buildings/boxes or equipment areas which are each less than 50 square feet in area shall comply with the following minimum property line setbacks:
      1) Front Yard or Street Yard – Same as for a principal building in the underlying zone.
      2) Rear and Side Yards – 5 feet.

(g) General Requirements
1. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.
2. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting, except for municipal purposes, shall be avoided if possible.
3. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or gray.
4. Towers may not be used to exhibit any signage or other advertising.
5. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height. The Plan Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
6. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible,

blend with the color and design of such building or structure.

7. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
8. All applications for wireless telecommunication sites within the Floodplain zoning districts shall comply with the standards found in Section 17.0321 of these regulations.
9. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for emissions.
10. All utilities proposed to serve new wireless telecommunication sites shall be installed underground unless otherwise approved by the Plan Commission.
11. All generators installed in conjunction with any wireless telecommunication site shall comply with all local noise regulations.

(h) Factors Upon Which Conditional Use Permit Decisions of the Plan Commission Shall Be Based. In considering applications for wireless telecommunication sites, the Plan Commission shall also find:

1. In the case where an application for the proposed location of a wireless telecommunication facility is not a preferred site as identified in Section 17.0504(b)(1) through (8), that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
   a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.
   b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost as determined by the Plan Commission.
   c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.
   d. Any restriction or limitation imposed by the FCC.

(i) Abandonment. A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area. If the service facility owner fails to remove their facilities within this time frame, after receiving prior written notice from the City, the City shall remove said facilities and shall charge the cost of such removal to the property involved, pursuant to Wis. Stats. Sec. 66.0413.

(j) Expiration of Permit. The approval of an application for conditional use permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Common Council. For purposes of this regulation, start of construction shall be defined as the installation of a permanent building foundation or slab. The Common Council may grant up to two six-month extensions of the time to start construction upon written request by the applicant. The Common Council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. The Common Council may, as a condition of approval of a conditional use permit, establish a time period that such conditional use permit shall remain in effect.

Ordinance #2106 A 1/4/01 Sec. 17.0504

MODIFICATIONS

SEC. 17.0601 HEIGHT MODIFICATIONS

The district height limitations included elsewhere in this Chapter may be exceeded, but shall be in accord with the following:

(a) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Chapter, but may be regulated by FCC or FAA regulations where applicable.

(b) Special Structures, such as elevator penthouses, grain elevators, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations, and smoke stacks, are exempt from the height limitations of this Chapter.

(c) Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Chapter.

(d) Observation Towers shall not exceed in height two (2) times their distance from the nearest lot line.

(e) Agricultural Structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

SEC. 17.0602 SETBACK MODIFICATIONS

The setback requirements included elsewhere in this Chapter may be modified as follows:

(b) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, bow windows and ornaments, may project into any required setback, but such projection shall not exceed two (2) feet.

(c) Essential Services, utilities, and electric power and communication transmission lines are exempt from the setback requirements of this Chapter.

SEC. 17.0603 ADDITIONS

Additions in the front yard of existing structures shall not project beyond the required setback for the district in which they are located subject to the limitations for averaging front setbacks as set forth below.

SEC. 17.0604 AVERAGE FRONT SETBACKS

The required front setback shall not be decreased below the minimum setback for the district in which it is located. However, if the principal structures on abutting lots are set back further than the minimum, the front setback of a proposed principal structure shall be increased to the average of the existing front setbacks of the abutting structures on each side, but in no case shall the required setback be increased to more than fifty (50) feet.

SEC. 17.0605 CORNER LOTS

Structures shall be provided with a front setback as required by this Chapter on the street that the structure faces as established by the Zoning Chapter. A street setback shall be provided on the side of the structure abutting a public or private street. The street setback shall be the same as the front setback required in that district. The remaining setbacks shall be a side yard and a rear yard. The permit applicant may select which yard is the side yard and which is the rear yard.

SEC. 17.0606 DOUBLE FRONTAGE LOT

Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The Zoning Administrator or a designee shall select where the front setback shall be applied and where the rear setback shall be applied in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate. Accessory structures may be placed in the designated rear setback area, but shall be located no closer to the street right-of-way than the required setback for accessory structures.

Ordinance # 2455, A 5/1/07, Sec. 17.0606

SIGNS

SEC. 17.0701 PURPOSE AND INTENT

The intent of this Section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the City as a whole. All sign permits, unless otherwise specified, shall be issued by the Building Commissioner or a designee after conferring with the Department of Community Development.

Ordinance # 2455, A 5/1/07, Sec. 17.0701

SEC. 17.0702 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Section.

SEC. 17.0703 SIGNS PROHIBITED IN CONSERVANCY AND FLOODWAY DISTRICTS

No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in the C-1 Shoreland Wetland Conservancy District, the FW Floodway District, the FF Flood Fringe District or the GFP General Floodplain District.

SEC. 17.0704 ON-PREMISE SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

Except as prohibited in Section 17.0703 of this Chapter, the following signs are permitted in all zoning districts without a permit, subject to the following regulations:

(a) Real estate signs, not to exceed eight (8) square feet in area on one (1) side and sixteen (16) square feet in area on all sides in a residential district, or thirty-two (32) square feet in area on one (1) side and sixty-four (64) square feet in area on all sides in other districts, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. Real estate signs shall be located not closer than ten (10) feet to any street right-of-way, nor closer than ten (10) feet to a side or rear lot line.

(b) Name and warning signs not to exceed two (2) square feet in area on one side and four (4) square feet on all sides located on the premises. Name and warning signs shall be located not closer than ten (10) feet to any street right-of-way, nor closer than ten (10) feet to a side or rear lot line.

(c) Property Address Sign

(1) All single family and two family residential buildings and all institutional buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street or service drive providing access to the building. All such residential units shall also have street numbers, not less than 2 inches high, placed on their respective mailbox.

(2) All multifamily buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street, service drive or parking lot and located adjacent to the individual unit entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than 12 inches high, and located near the top of the building wall facing the street, service drive or parking lot serving that building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from said street, service drive or parking lot.

(3) All commercial or industrial buildings that are less than 75 feet in height shall have street numbers, not less than 6 inches high, placed on the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.

(4) All commercial or industrial buildings, that are 75 feet or more in height, shall also have street numbers, not less than 24 inches high, located on the building wall facing the primary street and the main entrance.

(5) All commercial or industrial structures, which have a rear service door, shall identify the occupant and the street address conspicuously on said rear door in contrasting and reflective letters and numbers not less than 6 inches in height, and shall continually maintain same.

(d) Home occupation and professional home office signs not to exceed two (2) square feet in area and mounted flush against the dwelling.

(e) Election campaign signs provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day

of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within seven (7) days following the election. No campaign sign shall be erected in a street right-of-way or on any utility poles. Campaign signs shall not be located within a vision clearance triangle, and shall not exceed thirty-two (32) square feet in area on one side and sixty-four (64) square feet in area on all sides.

(f) Rummage sale and garage sale signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within twenty-four (24) hours following the sale.

(g) Bulletin boards for public, charitable or religious institutions not to exceed forty-eight (48) square feet in area on one side and ninety-six (96) square feet in area on all sides located on the premises. Bulletin boards shall be located not closer than 10 feet to any street right-of-way, nor closer than 10 feet to any side or rear lot line.

(h) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(i) Official signs, such as traffic control, parking restrictions, governmental building, City welcome signs and related entrance signs, and public notices when approved by the Zoning Administrator or a designee.

(j) On-premise directional signs such as "Enter," "Exit," and "Do Not Enter" signs.

Ordinance # 2455, A 5/1/07, Sec. 17.0704(i)

SEC. 17.0705 ON-PREMISE SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in any residential district and are subject to the following regulations:

(a) Single family, two family and multifamily residential development signs, not to exceed six (6) feet in height and forty-eight (48) square feet in area on one side and ninety-six (96) square feet in area on all sides, placed at the entrance to a subdivision or development. Said sign shall be located no closer than ten (10) feet to any street right-of-way, nor closer than ten (10) feet to any side or rear lot line. If placed in an island within the City right-of-way the island shall be designated as an outlot owned and maintained by the developer and/or homeowner's association. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

(b) Temporary development signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed forty-eight (48) square feet in area on one side and ninety-six (96) square feet in area on all sides and shall be located not closer than ten (10) feet from any street right-of-way, nor closer than ten (10) feet to any side or rear lot line. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development provided that the sign shall not be in place for more than two (2) years.

Ordinance #2027 A 8/17/99 Sec. 17.0705(a) and (b)
Ordinance #2510, A 7/1/08, Sec. 17.0705(a)

SEC. 17.0706 ON-PREMISE SIGNS PERMITTED IN ALL BUSINESS & MANUFACTURING DISTRICTS WITH A PERMIT

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches away from a building's wall surface; shall not exceed 20% of the wall area on which the sign is located, but shall be no more than 100 square feet for buildings less than 300 feet from the right-of-way or 200 square feet for buildings more than 300 feet from the street or interstate right-of-way; shall not exceed ten (10) feet in height; shall not extend above the roof line of the structure; and shall not block a window or door opening in the structure.

(b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed forty-eight (48) square feet in area on one side and ninety-six (96) square feet in area on all sides for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet; and shall not be less than eight (8) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.

(c) Marquee, awning, and canopy signs affixed flat to the surface of a marquee, awning, or canopy are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee, awning, or canopy in a shopping center, hotel, motel or theater shall not extend beyond a point one (1) foot back from the vertical plane formed by the curb line in the shopping center. No marquee, awning, or canopy shall

extend into a required side yard or rear yard. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee, awning, or canopy provided that the name sign is at least eight (8) feet above the sidewalk.

(d) Ground signs shall not exceed eight (8) feet in height and shall not exceed 100 square feet on any one side nor more than 200 square feet on all sides for any premises. Ground signs shall be located not closer than ten (10) feet to a street right-of-way nor closer than ten (10) feet to a side or rear lot line. Ground signs shall display the street number on both sides of the sign. Ground signs shall comply with the traffic visibility requirements set forth in Section 17.0401 of the Municipal Code. All ground signs shall include landscaping at the base of the sign. A landscaping plan depicting the location, type, size and number of plantings shall be submitted to the Inspection Department along with any application for a ground sign.

(e) Pole signs shall not exceed twenty-five (25) feet in height and shall not exceed 100 square feet on any one side nor more than 200 square feet on all sides for any premises. Pole signs shall not be closer than twenty (20) feet from a street right-of-way nor closer than twenty (20) feet to a side or rear lot line. Pole signs shall display the street number on both sides of the sign. Pole signs are only permitted in B-4, Highway Business zoning districts. All pole signs shall include landscaping at the base of the sign. A landscaping plan depicting the location, type, size and number of plantings shall be submitted along with any application for a ground sign.

(f) Roof signs shall not exceed ten (10) feet in height above the roof; shall meet the height requirements for the district in which they are located; and shall not exceed 100 square feet for buildings less than 300 feet from the right-of-way or 200 square feet for buildings more than 300 feet from the street right-of-way. All roof signs shall require Plan Commission review and approval.

(g) Electronic messageboard and changeable copy signs shall only be permitted as an accessory to a ground, or pole sign. Electronic messageboard and changeable copy signs shall not exceed fifty (50) percent of the total sign face area and in no case shall an electronic messageboard or changeable copy be greater than fifty (50) square feet in area. Electronic messageboard or changeable copy signs shall not be permitted as a wall sign. Text and graphics may be multi-colored, however no more than fifty (50) percent of any message may be red. Text and graphics on electronic messageboard signs shall not blink, flash, scroll, or be animated and all messages and images shall hold for a minimum of five (5) seconds. Electronic messageboard signs shall have a minimum letter height based on the following formula:

(1) Posted speed limit on the adjacent street of 0-30 mph = four (4) inches in height minimum

(2) Posted speed limit on the adjacent street of 31-45 mph = six (6) inches in height minimum

(3) Posted speed limit on the adjacent street of 46-60 mph = ten (10) inches in height minimum

(4) Posted speed limit on the adjacent street of greater than 61 mph = twelve (12) inches in height minimum.

(h) Window signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not cover more than twenty-five (25) percent of the window(s) on which they are placed. Not permit shall be required for non-illuminated window signs. Illuminated window signs advertising the name of the business or principal services offered shall count as towards the maximum number of signs.

(i) Combinations of any of the above signs shall meet all the requirements for the individual sign. The total number of signs on any one premise shall be limited as follows:

(1) Single and two (2) tenant office, retail, or manufacturing buildings shall be permitted one wall sign per tenant per street frontage. Single and two (2) tenant buildings may also provide one (1) ground sign per street frontage. In lieu of a ground sign(s), businesses in the B-4, Highway Business District may have one (1) pole sign.

(2) Multi-tenant office, retail, and industrial buildings/developments with three (3) or more tenants are required to have an approved planned sign program in accordance with Section 17.0708(j) below.

(3) Gasoline and/or service stations may provide one ground or pole sign displaying the name of the station and the brand and price of gasoline sold. One wall sign per street frontage may also be provided. Signs advertising incidental products for sale shall be window signs or decals on the gasoline pumps.

(4) Non-illuminated window signs shall not be subject to the limitations on number of signs. However, illuminated window signs advertising the name of the busi-

ness or principal service offered shall be subject to the limitation on the number of signs.

(j) Any building or development with three (3) or more tenants shall be required to establish a planned sign program prior to the issuance of any sign permits. The intent of the planned sign program is to set forth a theme as to the placement, lettering style, color, materials, mounting method and other related design considerations of signs. All planned sign programs shall be reviewed and approved by the Plan Commission. After the approval of a planned sign program, no sign shall be erected, placed or maintained except in conformance with the Planned Sign Program.

(1) Any building or development shall be permitted one (1) ground sign per street frontage. All ground signs shall meet the restrictions set forth in Section 17.0706(d). Ground signs in a planned sign program may display the name of the center and may also provide panels to identify individual tenants.

(2) Only individual tenants with their own exterior entrance shall be permitted one (1) wall sign. The Plan Commission may permit end cap tenants in multi-tenant buildings an additional wall sign if it fits in with the architectural design of the building. Individual tenants in buildings and developments with internal entrances only shall not be permitted a wall sign. One (1) wall sign identifying the name of the development or the principal tenant shall be permitted. The area of wall signs within a planned sign program shall equal one (1) square foot of signage per lineal frontage of tenant space to a maximum of 100 square feet. Wall signs within a planned sign program shall not be internally illuminated plastic face box signs.

(3) Traffic directional signs are permitted and shall be located solely for the purpose of relieving traffic congestion and promoting the safe flow of traffic within the development. The business/development name or logo may be displayed on the face of the traffic directional sign, but shall encompass no more than twenty-five (25) percent of the face of a traffic directional sign. Traffic directional signs shall have a maximum height of five (5) feet above the established grade and shall not exceed six (6) square feet.

(4) Multi-tenant developments where individual tenants do not have individual exterior entrances shall be allowed to display a tenant directory board which may list the tenants in the building. Lettering on tenant boards shall not exceed three (3) inches in height and the sign shall not be visible to traffic.

Ordinance 2461, A 6/19/07, Sec. 17.0706(j)repealed
Ordinance 2510, A 7/1/08, Sec. 17.0706(a),(d),(e),(f),(g),(h),(i) and (j)

SEC. 17.0707 OFF-PREMISE SIGNS

Off-premise signs are not permitted in any district except for election campaign signs and nonprofit charitable events as regulated by Section 17.0709(e).

Ordinance # 2453, A 4/2/07, Sec. 17.0707

SEC. 17.0708 ON-PREMISE SIGNS PERMITTED IN INSTITUTIONAL & PARK DISTRICTS WITH A PERMIT

The following signs are permitted in the Institutional and Park Districts and are subject to the following regulation:

(a) Private institutional and park name signs when approved by the City Plan Commission.

(b) Public institutional and park name signs when approved by the City Plan Commission after review and recommendation by the Park and Recreation Commission.

(c) The allowable types of signs in the Institutional and Park Districts are as follows:

(1) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed 20 percent of the wall area on which the sign is located, shall not exceed 300 square feet in area for any one premises, and shall not exceed five (5) feet in height, shall not extend above the roof line of the structure, and shall not block a window or door opening in the structure.

(2) Ground Signs shall not exceed ten (10) feet in height and shall not exceed sixty-four (64) square feet on one side nor 128 square feet on all sides for any premises. Ground signs shall be located not closer than ten (10) feet to a street right-of-way nor closer than ten (10) feet to a side or rear lot line. Ground signs shall comply with the traffic visibility requirements set forth in Section 17.0401 of this Chapter.

SEC. 17.0709 TEMPORARY BANNERS & CONSTRUCTION SIGNS

(a) Definition of Temporary signs: Temporary signs include but are not limited to banners, emblems, portable signs, inflatables, wind signs including balloons, pennants and streamers or any other sign that moves in the wind

(excluding national or state flags), or any other temporary advertising media intended to identify, convey information, or direct attention to a product, service, place, activity or business.

(b) Permits and Regulations: All temporary signs require a permit issued by the Community Development Department. There is no fee imposed for the permit.

(1) A Temporary Sign Permit allows the use of one (1) sign that does not exceed thirty-two (32) square feet in area on one side or sixty-four (64) square feet in area on all sides and does not exceed eight (8) feet in height.

(2) An owner or occupant of property may be granted a temporary sign permit up to four (4) times per calendar year permitting that owner or occupant to display any one (1) temporary sign for a maximum of fifteen (15) days each pertaining to the applicant's business.

(3) Each tenant in a multi-tenant property may apply for a temporary sign permit up to four (4) times per calendar year permitting that tenant to display any one (1) temporary sign for a maximum of fifteen (15) days each pertaining to the applicant's business.

(4) A Temporary Sign Permit requires that a temporary sign will be removed by the applicant within twenty-four (24) hours of the expiration of the permit.

(5) No Temporary Sign Permit will be granted to a business that has a changeable copy sign.

(6) Temporary signs, if illuminated, shall not flash, blink or fluctuate in light intensity, Temporary electronic signs shall not flash, blink or fluctuate in light intensity and not change copy more frequently than every ten seconds.

(7) Temporary signs, if wind borne, can only be of the feather or tear drop design and cannot exceed twenty (20) square feet in area and not exceed eight (8) feet in height. There will be a temporary sign fee of $25 for this type of temporary sign. Other wind borne signs, including but not limited to inflatable signs, streamers, pennants, flags, and balloons, are only permitted with a grand opening temporary sign permit.

(c) Grand Opening Sign Permit: A Grand Opening Sign Permit allows temporary signs associated with one grand opening per business. Wind signs, are permitted only in connection with one grand opening per business. A Grand Opening Sign Permit is in addition to the four (4) temporary sign permits allowed per calendar year. A no-fee temporary sign permit is required prior to the display of a grand opening sign. The sign may be displayed for a period of no more than twenty-one (21) days, with a grand opening banner not to exceed 32 square feet on one side. A grand re-opening sign is subject to the temporary sign regulations under sub (b).

(d) Location: Signs shall not be located in any public right-of-way, shall not be located closer than ten (10) feet to an adjacent property, shall not cause a hazard to traffic or adjoining properties, shall not be located in the vision triangle of intersecting streets or driveways, and shall not be attached to utility poles and structures, traffic signs, rocks, trees, or other vegetation. Offsite temporary signs shall not be allowed.

(e) Signs publicizing a charitable or nonprofit event of general public interest: One (1) sign publicizing charitable or non-profit events of general public interest may be erected on private property with the property consent. Only one (1) charitable or nonprofit event may be displayed per private property. Charitable and nonprofit event signs are limited to no more than thirty-two (32) square feet on one side. Charitable and non-profit event signs shall be permitted only for thirty (30) days before the event to which it pertains and be removed by the applicant no later than two (2) days following the event. The Zoning Administrator or a designee has discretion to determine if a sign is an event of general public interest.

(f) Temporary construction signs: A sign identifying a contractor, designer, or equipment provider may be permitted on a construction site without a sign permit provided that there are no more than two (2) construction signs located on the premises; no sign exceeds thirty-two (32) square feet in area on one side or sixty-four (64) square feet in area on all sides. Construction signs shall be removed by the applicant within seventy-two (72) hours after receiving a temporary occupancy permit or completing the construction project whichever occurs earlier.

(g) Maintenance: All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Zoning Administrator or a designee will inspect and have authority to order the painting, repair, alteration or removal of a sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence or if it violates the provisions of this section.

Ordinance # 2453, A 4/2/07, Sec. 17.0709(a)-(g)
Ordinance # 2510, A 7/1/08, Sec. 17.0709(e)
Ordinance #2673, A 4/16/13, Sec. 17.0709(b)(1)
Ordinance #2673, A 4/16/13, Sec 17.0709(b)(7)

SEC. 17.0710 SIGNS FACING RESIDENTIAL DISTRICTS

No sign, except those permitted in Sections 17.0704 and 17.0705, shall be permitted within 100 feet of a dwelling in a residential district.

SEC. 17.0711 MISCELLANEOUS SIGN REGULATIONS.

The following regulations shall apply to signs:

(a) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.
(b) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
(c) Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or opening designated by the Fire Department; and no sign shall be attached to a standpipe or fire escape unless authorized by the Fire Chief.
(d) Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
(e) Signs may be illuminated but non-flashing.
(f) Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical.
(g) Signs in residential districts shall not be illuminated.

Ordinance # 2510, A 7/1/08, Sec. 17.0711

SEC. 17.0712 CONSTRUCTION AND MAINTENANCE STANDARDS

(a) Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the City Building Code or other ordinance.
(b) Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated. The Police Department shall be notified at least 24 hours in advance of such proposed obstruction.
(c) Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive conditions, free and clear of all obnoxious substances, rubbish, weeds, and grass.
(d) Supporting members or braces of all signs shall be constructed of approved materials. Signs shall be attached and supported in an approved manner. These approvals shall be given by the Building Commissioner or a designee who will review the submitted plans against acceptable engineering design standards and practices.
(e) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the City, as necessity may require.
(f) Electrical Signs shall be listed by Underwriters Laboratory or other approved testing agencies, unless specifically exempted by the Wisconsin State Electrical Code.

Ordinance # 2455, A 5/1/07, Sec. 17.0712(d)
Ordinance # 2455, A 5/1/07, Sec. 17.0712(g)

SEC. 17.0713 SIGN PERMIT

Application for a sign permit shall be made on forms provided by the Building Commissioner or a designee and shall contain or have attached thereto at least the following information:

(a) Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
(b) Name of person, firm, corporation, or association erecting the sign.
(c) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
(d) A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawing shall be drawn at a scale no smaller than 1/8 inch equals 1 foot and shall be prepared, signed and sealed by a registered professional engineer when required by the Building Commissioner or a designee.
(e) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than 1 inch equals 50 feet.
(f) Copies of any other permits required.
(g) In the case of an electrical sign, the name and address of the electrical contractor.

(h) Signs requiring state approval shall provide a copy of such approval with the sign permit application.

(i) Additional information as may be required by the Building Commissioner or a designee or City Plan Commission.

(j) Sign permit applications shall be filed with the Building Commissioner or a designee after review by the Planning Department and approval by the Plan Commission, if required, who shall review the application for its completeness and accuracy and approve or deny the application, in writing, within fifteen (15) working days after submittal. A sign permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

Ordinance # 2455, A 5/1/07, Sec. 17.0713,
Ordinance # 2455, A 5/1/07, Sec. 17.0713(d),
Ordinance # 2455, A 5/1/07, Sec. 17.0713(i)
Ordinance # 2455, A 5/1/07, Sec. 17.0713(j)

SEC. 17.0714 MEASURING SIGNS

(a) Sign area. Sign copy and any border or frame surrounding that copy shall be included when calculating the area of a sign to determine whether it meets the requirements of this Chapter. Supporting members of a sign shall be excluded from the area calculation. Area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

(b) Sign Height. Maximum or minimum sign height shall be measured from the ground surface adjacent to the center of the bottom of the structure supporting the sign to the top of the sign surface being regulated.

Ordinance # 2455, A 5/1/07, Sec. 170714(a)

SEC. 17.0715 SIGN PERMIT APPEALS.

(a) Purpose of Appeals. Sign variances are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. Nothing in this section, however, is intended to permit the erection or maintenance of signs which are prohibited in this Chapter.

(b) Procedures.

(1) Upon denial of a sign permit, requests for a variance and a hearing shall be made in writing to the Director of Community Development no less than twenty-one (21) days before the meeting of the Plan Commission and not more than thirty (30) days from denial of a permit. An appeal fee per Section 3.04 shall be required of the applicant at the time that a request for hearing is made.

(2) The Plan Commission shall make the final decision on appeals using the following criteria:

a. There shall be no public harm and there shall be a public benefit.

b. Variance considerations shall include enhancement of the overall character of a neighborhood or mitigation of unusual site conditions.

c. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.

d. The effect a proposed sign may have on depreciating property values of a neighborhood.

e. The Plan Commission in its deliberation of an adjustment may consider the location of the proposed sign, the height, the size, the appearance, number, and location of other signs in the vicinity of the proposed sign, and any other factor as the Plan Commission deems appropriate.

(3) Should the Plan Commission approve a variance, the application will be forwarded to the Director of Community Development, with directions to issue a permit in accordance with the decision. If the Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing, within ten (10) days of the adoption of the Plan Commission minutes.

Ordinance #2350, A5/17/05, Sec.17.0715

PERFORMANCE STANDARDS

SEC. 17.0801 COMPLIANCE
This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall, hereafter, in addition to their use and site regulations, comply with the following performance standards.

SEC. 17.0802 AIR POLLUTION
No person or activity shall emit any fly ash, dust, particulate matter, fumes, vapors, mists, or gases in such quantities that would constitute a nuisance to surrounding property owners. Dust and other types of pollution borne by the wind from such sources as storage areas, yards, and roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, fencing, or other acceptable means.

SEC. 17.0803 FIRE AND EXPLOSIVE HAZARDS
All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry and approved by the City of Oak Creek Fire Chief. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. Storage of flammable and explosive material shall be in accordance with the requirement of Chapter IHLR 10 of the Wisconsin Administrative Code and the requirements of Chapter NFPA 30 of the National Fire Protection Act.

SEC. 17.0804 GLARE AND HEAT
No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

SEC. 17.0805 WATER QUALITY PROTECTION
No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

SEC. 17.0806 RADIOACTIVITY AND ELECTRICAL DISTURBANCES
No activity shall emit radioactivity or electrical disturbances outside its premises that affect the use of neighboring premises.

SEC. 17.0807 VIBRATION
No activity in any district shall emit vibrations, which are discernible by the Building Commissioner or a designee without instruments outside its premises.

Ordinance # 2455, A 5/1/07, Sec. 17.0807

SEC. 17.0808 OUTDOOR LIGHTING
(a) Purpose and Intent: This section regulates all outdoor lighting installed on residential, commercial industrial, and institutional sites, both publicly and privately owned within the City of Oak Creek, with the exception of outdoor lighting on public streets, public bikeways, and public walkways. The purpose of this section is to create standards for outdoor lighting that do not interfere with the reasonable use of residential, commercial, industrial, and institutional sites, that prevent light trespass and conserve energy yet maintain night time safety. If outdoor lighting is installed, it shall be in conformance with the provisions of this section of the Municipal Code, the building code and all other codes and regulations as applicable and under appropriate permit and inspection.
(b) Definitions:
Commercial site: Shall mean a tract consisting of one or more contiguous lots or parts of lots which are used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities; or any commercial site having five or more parking stalls.
Covered Parking Facilities: Shall mean a parking facility with an overhead covering and shall include all floors, except the roof level of multilevel parking structure or ramp.

Driveway: Shall mean every way or area used for vehicular travel on private property adjacent to the street right-of-way.

Foot-candle: Shall mean the illumination of a surface one-foot distant from a source of light equivalent to one candle.

Inspection Unit: Shall mean the building inspection unit.

Installation: Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light Trespass: Shall mean stray light or spill light flowing onto adjacent property or into the street.

Lighting Source: Shall mean any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted falls within the electromagnet spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low-pressure sodium, high-pressure sodium, metal halide and mercury vapor lamps.

Non-Shielded or Non-Cutoff Lighting Fixtures: Shall mean all types of outdoor lighting fixtures other than shielded or cut-off lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, non shielding lamp or light source and distributes light at any angle less than four degrees above horizontal.

Open Parking Facilities: Shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Outdoor Canopy: Shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and shall include but not be limited to canopies over gas stations or canopies at convenience stores.

Outdoor Lighting Fixtures: Shall mean lighting sources, which are electrically powered illuminating devices, lighted or reflective surface lamps and similar devices permanently installed or portable used for illumination or for advertisement. Such device shall include, but not be limited to searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking lights and sign panels.

Outdoor Merchandising: Shall mean car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas where products are permanently displayed or dispensed outdoors.

Person: Shall mean any individual, tenant, lessee, owner operator, or any public, private, nonprofit or commercial entity including, but not limited to, a firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Planning: Shall mean the City Department of Community Development.

Residential Site: Shall mean a single parcel in a residential zone containing a residential structure with one or more dwelling units with parking areas for one or more cars.

Shielded or Cutoff Lighting Fixtures: Shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operates in a horizontal position with nonadjustable elements which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by fixture housing of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees above horizontal. No light is permitted at an angle less than four degrees above horizontal.

Uniformity Ratio: Shall mean the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.

(c) General Requirements:

(1) All outdoor lighting fixtures installed October 3, 2000 and thereafter maintained upon private or public residential, commercial, industrial, and institutional property shall comply with the following:

a. The maximum allowable light trespass shall be 0.5 horizontal foot-candles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, industrial, institutional or public use. The measurement shall not include any ambient natural light.

b. Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and at a point five (5)

feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity so as to cause discomfort or annoyance.

c. Any outdoor lighting fixture installed on a parking lot or parking structure shall use either high-pressure sodium or metal halide lamps or LED fixtures, however new lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, upon approval by the Inspection Department.

d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.

e. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 PM. Outdoor lighting fixtures used to illuminate sportsfields and tennis courts shall not be operated past 10:00 PM.

f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.

g. Light fixtures shall not be permitted within required buffer yards.

h. Any lighting complaints against existing installations shall be in the written form. They shall include the name and address of the property that is the subject of the complaint and a description of the complaint. The name and address of the person filling the complaint shall be optional.

(2) All outdoor fixtures installed prior to adoption shall be exempt from this section except as follows:

e. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.

f. All outdoor lighting fixtures installed on residential sites shall conform to subsection (2)(c) herein.

(3) All outdoor lighting fixtures shall be maintained according to approval by the inspection division plans. New lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, subject to approval by the Inspection Department.

(4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.

(5) Outdoor lighting fixtures maybe used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages or ramps, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(d) Specific Design Requirements

(1) A lighting system for parking facilities and outdoor merchandising areas in commercial, industrial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:

a. Open Parking Facilities. The illumination requirements of an open parking facility depends on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium, and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:

b. High Activity Facilities: for athletic events or major cultural or civic events.

c. Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, transportation parking (commuter lots, etc.) cultural civic or recreational events and fast food facilities.

d. Low Activity: employee parking, educa tional facility, office parks and church parking.

Horizontal Illumination for Parking Facilities

Open Parking Facilities

General Parking & Pedestrian Area				Vehicle Use Area (Driveway)			
Level of Activity	Minimum Foot-candle* (FC) on pavement	Maximum Average. F-C on pavement	Maximum Uniformity Ratio* (Ave.-Min)	Maximum Watts/Sq. Foot Light Load**	Min. Foot-candles* on pavement	Max. Ave. Foot-candles on pavement	Maximum Uniformity Ratio* (Ave-Min)
High	0.6fc	3.75fc	5:1	0.12	.67fc	2.5fc	5:1
Med	0.4fc	2.5fc	5:1	0.1	.33fc	1.5fc	5:1
Low	0.2fc	1.5fc	5:1	0.08	.125fc	1.0fc	5:1

Covered Parking Facilities

Areas	Minimum. Foot-candles Average on Pavement	Minimum Foot-candles on Pavement	Maximum Average Foot-candles on Pavement	Maximum Uniformity Ratio (Ave.-Min.)	Maximum Watts/Sq.Ft. Lighting Load
General Parking and Pedestrian Area	5fc	1.25fc	9fc	4:1	0.2
Private Controlled Entry Parking	3fc	.75fc	6fc	4:1	0.2

*Not mandatory within 4 feet of the pavement edge

**Not mandatory for driveways

Watts shall mean lamp wattage and ballast consumption

(2) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five watts per lineal foot. Watts shall mean lamp wattage and ballast consumption.

(3) A residential site shall be lighted to provide at least .25 foot-candle on any surface in the lot with an average illumination level of at least .75 foot-candles.

(4) Outdoor light fixtures shall be designed and installed to minimize light trespass. The uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.

(5) For an outdoor merchandising area, the maximum level in 75% of the lot shall not exceed 20 foot-candles. A contiguous area not to exceed 25% of the lot may be illuminated to a level, which shall not exceed 40 foot-candles.

(6) The maximum illumination level under an outdoor canopy shall not exceed foot-candles at any point. Does not apply to canopies of refueling islands.

(7) Lighting systems that project light upwards such as architectural and sign lighting shall be designed to minimize the amount of light that does not illuminate the target area.

(e) Approval Procedures.

(1) Any person desiring to install outdoor lighting fixtures shall submit to the inspection department and planning department for review the following material:

a. A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.

b. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.

c. A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall illumination levels and uniformities and the point where 0.5 horizontal foot-candles occurs on the property or adjacent property at a distance four feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

d. A point of zero (0) on the photometric plan shall not be used in calculating illuminations levels or uniformity.

(2) Upon review of the material described above, the Inspection and Planning Departments may authorize the installation of outdoor lighting fixtures.

Ordinance #2088, A 10/3/00 Sec. 17.0808
Ordinance #2122 A 4/2/01 Sec. 17.0808(c)(1)a
Ordinance #2532 A 12/2/08 Sec.17.0808(c)(1)(c) and (c)(3)
Ordinance #2796 A 4/5/16 Sec. 17.0808 (c)(1)(c), (c)(3), (d)(6) and (e)(1)(d)

SEC. 17.0809 FLOODPROOFING

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with Sec. 17.1050(e).

Ordinance 2360, A 8/30/05 Sec. 17.0809

SEC. 17.0810 NOISE

At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation (other than the operation of motor vehicles or other mobile equipment) exceed 58 and 62 dBA, respectively, during normal operations.

NON-CONFORMING USES, STRUCTURES & LOTS

SEC. 17.0901 EXISTING NON-CONFORMING USES

The lawful non-conforming use of land, or water; or a lawful non-conforming structure; or a lawful non-conforming use on a conforming or non-conforming lot which existed at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter; however,

(a) Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

(b) Discontinuance. If such non conforming use is discontinued or terminated for a period of twelve (12) consecutive months, any future use of the structure, land, or water shall conform to the provisions of this Chapter.

(c) Abolishment or Destruction. When a non-conforming structure based on use is substantially damaged by fire, explosion, flood, or other calamity to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

(d) Substitution. A non-conforming use of land shall not be changed to another use except a use permitted in the district in which it is located.

(e) The owners of property claiming to have a legal non-conforming use or a lawful conditional use, have the burden to prove that such use is in fact a non-conforming use or lawful conditional use in accordance with Section 17.0907 of this Chapter.

SEC. 17.0902 CONFORMING STRUCTURES ON NON-CONFORMING LOTS

The use of a structure existing at the time of the adoption or amendment of this Chapter may be continued although the lot area or lot width does not conform to the requirements of this Chapter.

(a) Additions and enlargements to the structures are permitted and shall conform with the established building setback, height, parking, loading, and access provisions of this Chapter.

(b) Existing structures on non-conforming lots which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall conform with the established building setback, height, parking, loading, and access provisions of this Chapter.

SEC. 17.0903 NON-CONFORMING STRUCTURES ON A CONFORMING OR NON-CONFORMING LOT

The use of a structure existing at the time of the adoption or amendment of this Chapter may be continued although the structure's size or location does not conform with the established building setback, height, parking, loading, and/or access provisions of this Chapter.

(a) Additions and enlargements to existing non-conforming structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Chapter.

(b) Existing non-conforming structures which are damaged by fire, explosion, flood, or other calamity to the extent that such damage is less than fifty (50) percent of the current equalized assessed value of the structure may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, paring, loading, and access provisions of this Chapter. Existing non-conforming structures which are substantially damage or destroyed by fire, explosion, flood, or other calamity to the extent of fifty (50) percent or more of the current equalized assessed value of the structure may be reconstructed and shall conform with the established building setbacks, height, parking, loading, and access provisions of this Chapter.

(c) Existing non-conforming structures may be moved within the same lot or onto a different lot and, shall conform with the established building setback, height, parking, loading, and access provisions of this Chapter.

SEC. 17.0904 EXISTING NON-CONFORMING LOTS

A lot which does not contain sufficient width or area to conform to the dimensional requirements of the provisions of this Chapter is a non-conforming lot. A non-conforming lot cannot be altered to decrease its width or area below or further below the dimensional standards applicable to that lot. A non-conforming lot may be used as a building site provided:

(a) The use is permitted in the zoning district in which the lot is located and the proposed building meets all other requirements of the Municipal Code, and

(b) The lot is of record in the Register of Deeds office prior to the effective date of this Chapter or

any amendment thereto which affects the area or width of the lot, and

(c) The lot abuts a dedicated street improved for and opened to the public for travel, and

(d) The lot is:

1. At least sixty-five (65) feet wide and 8,000 square feet in area, or
2. Less than sixty-five (65) feet wide or less than 8,000 square feet in area and the lot is owned in separate ownership from the lands abutting the lot, or
3. Less than sixty-five (65) feet wide or less than 8,000 square feet in area and abutting lands are in the same ownership, in which event the lot and the abutting lands must be combined prior to the issuance of a building permit. The combining of lands must result in a lot which is as close to the dimensional requirements of sixty-five (65) feet wide and 8,000 square feet in area as is practicable in the judgment of the Common Council. Any combination of lands under this subsection is not subject to the requirements of sub (b).

Ordinance # 2308 A 6/1/04 Sec. 17.0904

SEC. 17.0905 WETLAND NON-CONFORMING USES

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal non-conforming structure, or any environmental control facility related to a legal non-conforming structure, located in the C-1 Wetland Conservancy District and in existence at the time of adoption or subsequent amendment of this Chapter, or of an environmental control facility in existence on May 7, 1982, related to that structure is permitted pursuant to Section 62.231(5) of the Wisconsin Statutes. Section 62.23(7)(h), however, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Chapter or amendment.

SEC. 17.0906 FLOODLAND NON-CONFORMING USES

(a) GENERAL

(1) APPLICABILITY. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

c. <u>The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;</u>

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable

requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 17.0323(c)(2). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

e. Damaged or Destroyed Structures

1. Except as provided in Section 17.0906(a)(2)e.2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

f. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Section 17.0322(c)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 17.1050(e) are used.

(b) FLOODWAY AREAS

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

a. Has been granted a permit or variance which meets all ordinance requirements;

b. Meets the requirements of Section 17.0906(a);

c. Will not increase the obstruction to flood flows or regional flood height; and

d. Any addition to the existing structure shall be floodproofed, pursuant to Section 17.1050(e), by means other than the use of fill, to the flood protection elevation.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

(c) FLOODFRINGE AREAS

(1) No modifications or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a flood fringe area, unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Section 17.0323(c), except where Section 17.0906(c)(2) is applicable.

(2) Where compliance with the provisions of Section 17.0906(c)(1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Section 17.1050(c), may grant a variance from those provisions of Section 17.0906(c)(1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, will not be installed;

d. Flood depths will not exceed two feet;

e. Flood velocities will not exceed two feet per second; and

f. The structure will not be used for storage of materials as described in Section 17.0323(c)(6).

(3) If neither the provisions of Section 17.0906(c)(1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
   a. Meets all other regulations and will be granted by permit or variance;
   b. Does not exceed 60 square feet in area; and
   c. In combination with other previous modifications or additions to the building, does not equal o r exceed 50% of the present equalized assessed value of the building.
(4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

Ordinance # 2360, A 8/30/05 Sec. 17.0906
Ordinance # 2513, A 8/19/08, Sec. 17.0906(a)(2)d
Ordinance # 2513, A 8/19/08, Sec. 17.0906(a)(2)e
Ordinance # 2513, A 8/19/08, Sec. 17.0906(c)(3)c

SEC. 17.0907 INTERPRETATION & PROOF OF USES

The owners of property who want to alter their use that they claim is either a legal non-conforming use or a lawful conditional use should apply for the alteration of said use, or the building in which it is located, with the Zoning Administrator or a designee. The Zoning Administrator, after a review of City records, may require documentation of the applicant to prove his claim. Based upon a review of the submitted documentation, the Zoning Administrator or a designee may approve or deny the applicant's claim. If denied, the applicant may seek an interpretation of the matter from the Zoning Board of Appeals.

Ordinance # 2455, A 5/1/07, Sec. 17.0907

ADMINISTRATION

SEC. 17.1001 PLAN COMMISSION

The City Plan Commission, as described in Section 2.63 of the Municipal Code, shall have the duties of making reports and recommendations related to the planning and development of the City to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Plan Commission may employ staff, to the extent that the City budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

SEC. 17.1002 PUBLIC INFORMATION

To the fullest extent possible, the Plan Commission and its staff shall make available to the public all reports and documents concerning the City Comprehensive Plan and any component thereof. In addition:

(a) All available information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed.

(b) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.

(c) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.

(d) Information regarding the location of floodplains and wetlands shall be provided to realtors, lenders, and the general public. All legal descriptions of property in the floodplain should include information relative to the floodplain zoning district when property is transferred.

(e) Fees necessary to recover the costs of providing information to the public may be established by the City of Oak Creek.

Ordinance 2360, A 8/30/05 Sec. 17.1002(d)

SEC. 17.1003 ZONING ADMINISTRATOR DESIGNATED

The Zoning Administrator, or a designee, is hereby designated as the administrative and enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator, or a designee, shall be to interpret and administer this Chapter and to:

(a) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, building permits, conditional use permits, planned unit development approvals, temporary use approvals, sign permits, site plans, certificates of compliance, variances, appeals, interpretations, and applications therefore.

(b) Determine that all building permit applications and their constituent plans, certificate of occupancy applications, sign permit applications and their constituent plans, and site plans comply with all the provisions of this Chapter.

(c) Make interpretations regarding the provisions of this Chapter.

(d) Receive, file, and forward (to the appropriate person, committee or agency) all applications for any permit or procedure provided for in this Chapter.

(e) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Chapter.

(f) Issue Permits as required by this Chapter.

(g) Administer the floodplain zoning ordinance pursuant to Section 17.1050(a)(1).

(h) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises.

(i) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

(j) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

(k) Institute, in the name of the City of Oak Creek, any appropriate action or proceeding against a Chapter violator, as provided by law.

(l) Request Assistance and cooperation from the City Police Department and City Attorney as deemed necessary.

(m) Attend all meetings of the City Plan Commission and the City Zoning Board of Appeals.

Ordinance # 2360, A 8/30/05 Sec. 17.1003(g)
Ordinance # 2455, A 5/1/07, Sec. 17.1003

SEC. 17.1004 BUILDING PERMIT REQUIRED

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit, if required, from the Building Commissioner, or his designee, unless otherwise exempted pursuant to Section 17.0905 of this Chapter. Applications for building permit shall be made in duplicate to the Office of the Building

Commissioner on forms furnished by the Building Commissioner and shall include the following where applicable:

(a) Name and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.

(b) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) Plat of survey prepared by a registered land surveyor showing the following information:

(1) Location of the lot referenced to the U.S. Public Land Survey.

(2) North arrow and graphic scale.

(3) Dimensions of the lot.

(4) Street names of abutting streets and the name of the nearest intersecting street.

(5) The distance from the corner of the lot to the nearest intersecting street.

(6) The widths of abutting streets, sidewalks, and alleys.

(7) Location of easements; their purpose and their width.

(8) Location and dimensions of all structures on the lot, both existing and proposed.

(9) Existing lot grade and street grade, referenced to City of Oak Creek datum.

(10) Proposed lot grades and structure grades, referenced to City of Oak Creek datum.

(11) Existing lot grade and structure grade on adjacent lots. When no structure is on the adjacent lot, provide the grade of the closest structure on the same side of the street.

(12) Setbacks of structures on adjacent lots.

(13) Existing and proposed driveway locations and widths.

(14) Existing and proposed street and highway access restrictions.

(15) Location of existing and proposed parking and loading areas.

(16) Type of monument at each corner of the lot.

(17) Water courses or existing drainage ditches.

(18) The extent and elevation of floodplains and wetlands on the lot and within forty (40) feet of the lot.

(19) Location of hydrants, street lights, and street trees.

(20) If the property is in an area with a master grading plan, the existing and proposed grades of all corners of the lot and the grade of the structure controlled by such master drainage plan.

(21) The seal and signature of the surveyor.

(d) Seal of the registered engineer or architect. All plans, data, and specifications for the construction of any building or structure, or for any associated construction, containing more than 50,000 cubic feet total volume, other than one- and two-family residences, submitted with an application for a permit, shall bear the seal of a registered architect or engineer. The plans shall also be stamped as approved as required by the Wisconsin Department of Commerce. No permit shall be granted for such structure unless construction will be under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans, as required by Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer, with the Building Commissioner or a designee, with the application for the permit.

(e) Waiver of some requirements. The Building Commissioner or a designee may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(f) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Building Commissioner or a designee for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Plumbing Inspector shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

(g) Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 112 of the Wisconsin Administrative Code and shall be approved by the City Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(h) Condominium declaration. Any developer of land in the City of Oak Creek who elects to create a condominium pursuant to Chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator or a designee to be attached to the file copy of the Building Permit application.

(i) Estimate of the cost of completing the site plan improvements including, but not limited to, landscaping, paving, drainage facilities, sign installation, and lighting.

(j) Additional information as may be required by the City Plan Commission, City Engineer, Building Commissioner or a designee, Zoning Admin-

istrator or a designee, Plumbing Inspector, Electrical Inspector, or Fire Inspector.

(k) No building permit shall be issued for the erection or construction of any building or structure on platted or unplatted land along a street with roadside ditches, unless the owner or his agent has arranged, with the City Department of Public Works, for the installation of a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the public street or public service drive abutting the property. The City shall determine the size and length of the culvert required, but in no case shall the culvert be less than twelve (12) inches in diameter and twenty (20) feet in length. The City shall charge a fee and such fee shall include the costs of the culvert pipe and the installation of such pipe.

(l) No building permit shall be issued until the City has investigated the fact that all outstanding Connection and Development Fees and special assessments levied against the property have been fully paid or an agreement for payment to the City by the property owner has been executed.

(m) A building permit shall be granted or denied in writing by the Building Commissioner or his designee.

Ordinance # 2455, A 5/1/07, Sec. 17.1004(d)
Ordinance # 2455, A 5/1/07, Sec. 17.1004(e)
Ordinance # 2455, A 5/1/07, Sec. 17.1004(f)
Ordinance # 2455, A 5/1/07, Sec. 17.1004(h)
Ordinance # 2455, A 5/1/07, Sec. 17.1004(j)

SEC. 17.1005 BUILDING PERMIT NOT REQUIRED

No building permit shall be required for any of the following activities; provided that any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, height, and other requirements set forth in this Chapter:

(a) For building an accessory structure less than 120 square feet in area.

(b) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

(c) However, no structure or development in a floodplain zoning district shall be exempt from obtaining a land use building permit in accordance with Section 17.1050(a)(2).

Ordinance 2360, A 8/30/05 Sec. 17.1005(c)

SEC. 17.1006 CERTIFICATE OF OCCUPANCY REQUIRED

(a) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or create a change in use; and no non-conforming use shall be changed, or extended until a certificate of occupancy shall have been issued by the Building Commissioner or his designee. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Chapter. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.

(b) No land within the floodplain districts shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired or replaced shall be occupied until a certificate of compliance is issued pursuant to Section 17.1050(a)(3).

(c) No building located in a business or manufacturing district and used for business or manufacturing purposes shall have the use changed without the issuance of a new certificate of occupancy by the Building Commissioner or a designee. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Code, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the City of Oak Creek and State of Wisconsin. Application for a certificate of compliance shall be made in the same manner as for a building permit pursuant to Section 17.1004 of this Chapter.

Ordinance # 2360, A 8/30/05 Sec. 17.1006(b)
Ordinance # 2455, A 5/1/07, Sec.17.1006(c)

SEC. 17.1007 CONDITIONAL USE PERMIT

The Common Council may authorize the Building Commissioner to issue a conditional use permit for a conditional use after a review and recommendation by the Plan Commission and a public hearing. Applications for conditional use permits shall be submitted to the Department of Community Development and shall include, but not be limited to the following where pertinent and necessary for proper review by the Plan Commission.

(a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

(c) Plat of survey prepared by a registered land surveyor showing all of the information required under Section 17.1004(c) for a building permit and, in addition, the mean and historic high water lines and floodplains on or within forty (40) feet of the subject premises and existing and proposed landscaping.

(d) Additional information as may be required by the City Plan Commission, City Engineer, Building Commissioner, Plumbing Inspector, Electrical Inspector, or Fire Inspector.

(e) Review and recommendation. Conditional uses will be reviewed to see if they are in accordance with the purpose and intent of the Chapter and is found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the City. Toward this end, the City Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed plan of operation. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the City Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

(f) Compliance with all other provisions of this Chapter, such as lot width and area, setbacks height, parking, loading, traffic, and highway access shall be required of all conditional uses.

(g) Public hearing. The Common Council shall hold a public hearing on each application giving public notice as specified in Section 17.1300 of this Chapter. The Council may subsequently approve and authorize the issuance of the conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application.

(h) Notice to DNR. The Plan Commission shall transmit a copy of each application for a conservancy conditional use in the C-1 Shoreland Wetland Conservancy District to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten (10) days prior to the public hearing. Final action on the application by the Common Council shall not be taken for thirty (30) days from the date the DNR receives notice of public hearing by certified mail or until the DNR has made its recommendation, whichever comes first. A copy of all shoreland conservancy conditional use decisions shall be transmitted to the DNR within ten (10) days following the decision.

(i) A conditional use permit shall be granted or denied in writing. The permit shall expire within no less than twelve (12) months of the date of issuance of the permit if no work has commenced. The issuance of the building permit shall constitute commencement of work. The time period to commence work and to complete the project shall be determined by the Plan Commission; and both, if not complied with, shall warrant consideration for revocation of the Conditional Use permit in accordance with Section 17.1007(k) of this Chapter.

(j) Amendments. Changes subsequent to the initial issuance of a conditional use permit which would substantially affect the conditions listed in Section 17.1007(e) of this Chapter shall require an amendment to the conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

(k) Revocation of Conditional Use Permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Building Commissioner or should the use, or characteristics of the use be changed without prior approval by the Common Council, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

(l) Existing conditional uses. All uses existing on the effective date of this Chapter which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this Chapter, are hereby declared to be conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use was being newly established.

Ordinance 2360, A 8/30/05 Sec. 17.1007(b),(c) &(h)

SEC. 17.1008 OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes, a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code, or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Act.

SEC. 17.1009 SITE PLAN AND ARCHITECTURAL REVIEW

For the purpose of promoting compatible development, stability of property values, and to prevent im-

pairment or depreciation of property values, no person shall commence any use or erect any structure without first obtaining the approval of detailed site and architectural plans, as set forth in this section, prior to the issuance of a building permit. Single-family and two-family dwellings shall not be subject to site plan review by the Plan Commission. The Plan Commission shall review architectural plans and site plans showing existing and proposed structures, neighboring uses, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, the utilization of landscaping, existing natural resources and the proposed operation in all districts. However, this process shall not be required in the A-1 Limited Agricultural District, the ER, Rs-1, Rs-2, Rs-3, Rs-4, and Rd-1 Residential Districts, unless the development site contains wetlands as shown on either the October 28, 1987, **FINAL WETLANDS INVENTORY MAP** issued by the Wisconsin Department of Natural Resources or wet areas as shown on the City's latest topographic maps or woodlands as shown on the most recent aerial photos of the City provided by either the Southeastern Wisconsin Regional Planning Commission (SEWRPC) or the U.S. Department of Agriculture (USDA).

(a) **Principles**. To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

(1) No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

(2) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. Acceptable exterior materials include split face concrete masonry, decorative block, 4-inch brick veneer, 4-inch stone veneer, cut stone panels, pre-cast concrete wall panels, and terra cotta. Proposals to use other materials, including cement fiber products or cultured stone shall require a 3/4 majority of the Plan Commission. Materials such as smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material and shall only be allowed as an accent material comprising no more than 25 percent of the visible perimeter of the building.

i. The façade of a multifamily residential building shall be provided with an acceptable brick or decorative masonry material that covers at least sixty-five (65) percent of the surface of the total exterior wall area of the building.

ii. The façade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material.

iii. Material and color samples shall be submitted to the Plan Commission for review and approval.

iv. The Plan Commission has the discretion to adjust this minimum for building additions.

(3) The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

(4) The visual continuity of roofs of neighboring buildings and their contributing elements (parapet walls, coping, and cornices) shall be maintained wherever possible in building development and redevelopment. A flat roof appearance is not permitted in commercial or office and professional business zoning districts. There must be some type of visible roof form (parapets, overhanging eaves, sloped roofs) incorporated into the design of the building.

(5) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

(6) Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the façade. Windows, awnings, and arcades must

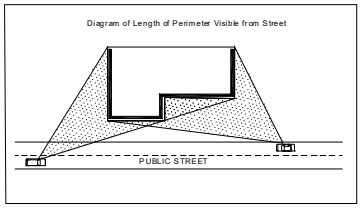
be an integral part of the façade abutting a public street.

(7) Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.

(8) Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.

(9) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions of the City.

(10) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.



(11) Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205(d) of the Municipal Code.

(12) Buildings and uses shall provide for safe and efficient traffic circulation and driveway locations as set forth in Section 17.0406 (Highway Access) of the Municipal Code.

(13) Buildings and uses shall be provided with adequate access to the City's street and highway system as set forth in Section 17.0406 (Highway Access) of the Municipal Code. Adequate street cross-sections appropriate to the permitted use shall be provided.

g. Access onto major streets should be held to the minimum necessary to provide safe and efficient traffic flow as determined by the Plan Commission.

h. Provisions shall be made for cross access between compatible commercial developments.

i. Primary access to commercial or manufacturing developments shall not be through residentially zoned areas.

(14) Buildings and uses shall provide adequate parking and loading areas.

a. No loading dock or overhead doors shall face upon a street right-of-way in commercial or office and professional business zoning districts. Loading docks or overhead doors may face upon a street right-of-way in manufacturing districts only in cases where no practical alternative exists.

b. Uninterrupted parking lots along the full street frontage of commercial or manufacturing developments abutting a public right-of-way are inappropriate, and will not be permitted, except where the physical orientation of the lot makes it necessary. Parking should be directed to the side or rear of the lot, where it is less visually intrusive. No more than 50% of the off-street parking for commercial developments directly abutting a public right-of-way shall be located between the front of the building and the primary abutting street unless the overall development design includes smaller buildings on pads or outlots closer to the street. This standard applies only to buildings with a gross floor area in excess of 25,000 square feet.

(15) Each retail or service establishment in excess of 25,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail establishments in excess of 100,000 square feet gross floor area must provide at least two of these amenities.

(16) Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces through the use of contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited to special pavers, bricks, or scored concrete.

(17) All signs must be designed and constructed in accordance with Section 17.0706 of the Municipal Code.

(18) Buildings and uses shall be provided with adequate public sanitary sewer and water services as approved by the appropriate utility. Storm water drainage facilities may be required.

(19) Buildings and uses shall be provided with adequate lighting installed in a manner that

does not interfere with users of adjacent properties.

(20) Buildings and uses shall be provided with dumpsters and trash receptacles in a number and location appropriate for the use as determined by the Plan Commission. All dumpsters shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

(21) All new buildings, additions and uses shall make appropriate use of open spaces. A minimum of 30% of the site shall be set aside as open space. This required open space shall be designed as an integral part of the site, and may not include those areas required for parking, loading, or other impervious surfaces. This requirement does not apply to the redevelopment of sites, including, but not limited to, the construction of a new building, additional building, building addition or expanded parking lot, which do not meet this minimum requirement at the time of the adoption of this ordinance. In those cases, the minimum amount of open space may not be reduced beyond that which exists on the property at the time of the adoption of this ordinance.

(22) Wetlands shall not be cleared, filled or drained if the development will result in significant adverse impacts to the functional values of the affected wetlands, significant adverse impacts to water quality or other environmental consequences. They shall be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any wetland on the property, as outlined on the 1987 Final Wetland Inventory Map, identified, staked and legally described:

a. Rezoning
b. Subdivision Plat
c. Conditional Use
d. Official Map Amendment
e. Certified Survey Map
f. Building Permit

(23) Woodlands shall, to the greatest practical extent possible, be protected within an overall development plan for the property. In order to make this determination, the owner or developer of any property or properties that are involved with any of the following shall have any woodland on the property, as shown on the most recent SEWRPC or USDA aerial photo of the City, staked, inventoried and legally described:

a. Rezoning
b. Subdivision Plat
c. Conditional Use
d. Official Map Amendment
e. Certified Survey Map
f. Building Permit

(24) From a practical standpoint, development may occur on a cleared or restored site, with appropriate governmental permits, of up to 20,000 square feet in area; if the wetland and woodland property is at least five (5) acres in area and is at least 150 feet in width.

(25) Wetlands may be used in the density calculation of a development, but in no case shall they constitute more than twenty-five (25) percent of the minimum lot area required. (Removed reference to woodlands.)

(b) **Sureties.** The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

(d) **Appeals.** Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the City Clerk within thirty (30) days after the decision of the Plan Commission.

(e) **Modification of Standards.** The Plan Commission may modify any of the above standards by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modifications of the particular standard.

Ordinance # 2016 A 7/6/99 Entire Section
Ordinance # 2031 A 9/7/99 Sec. 17.1009(d)
Ordinance # 2069 A 5/16/00 Sec. 17.1009(a)(20)
Ordinance # 2154 A 9/4/01 Sec. 17.1009(a)(21)
Ordinance # 2173 3/19/02 Sec. 17.1009(a)(21)
Ordinance # 2455, A 5/1/07, Sec. 17.1009(a)(24)(d)
Ordinance # 2504, A 6/3/08, Sec. 17.109(a)(2)

SEC. 17.1010 LANDSCAPING

The Plan Commission shall review landscaping plans for all new structures and uses and to changes or additions to existing structures and uses in all zoning districts except in the A-1 Limited Agricultural District, the ER, Rs-1, Rs-2, Rs-3, Rs-4, and Rd-1 Residential Districts. Landscape standards are established to ensure that landscaping becomes an integral part of development in the Commercial and Manufacturing Districts. When buildings or parking lots are extended, these regulations shall apply to the ex-

tended portion of the building or parking lot. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the City Plan Commission. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

(a) **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.

(1) At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.

(2) At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature atgrade coverage area.

Plant Type	Area of Coverage Provided
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

(3) To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.

(b) **Interior Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more and are created or extended after July 6, 1999 shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be provided at the following rates:

PERCENTAGE OF PARKING LOT TO BE COVERED BY INTERIOR PLANTINGS

Total paved area of lot	Percent of total paved area which must be interior planting area
0-49,999 sq. ft.	5%
50,000 sq. ft. or larger	10%

(c) **Perimeter Landscape Area.** In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs are required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.

(d) **Landscaping Adjacent to Buildings.** There shall be a minimum three-foot landscape area provided between the edge of pavement and the entrance elevation of the building.

(e) **Screening of Trash.** Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

(f) **Screening of Ground Mounted Mechanical Equipment.** Ground mounted mechanical equipment shall not be located within the front or street yard, shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

(g) **Screening of Roof Mounted Mechanical Equipment.** Roof mounted mechanical equipment shall be screened from casual view.

(h) **Retaining Walls.** No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in

height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.

(i) **Berms.** Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.

(j) **Buffer Yards.** Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205(d) of the Municipal Code.

(k) **Submittal Requirements.** A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:

(1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.

(2) The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.

(3) The location and percent of slope of all proposed berms using one (1) foot contours.

(4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.

(5) Methods used in staking, mulching, wrapping or any other early tree care used.

(6) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

(l) **Modification of Standards.** The Plan Commission may modify any of the above standards by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modification of the particular standard.

Ordinance #2016 A 7/6/99
Ordinance #2031 A 9/7/99

SEC. 17.1011 PERMIT FEES

All persons, firms, or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the City Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Building Permit, Certificate of Occupancy, Conditional Use Permit, and Sign Permit. A fee shall also be required for a zoning text of map amendment, and zoning appeal or variance. The fees shall be set forth in Section 3.40 of the Municipal Code of the City of Oak Creek, as amended from time to time.

Ordinance #2016 A 7/6/99

SEC. 17.1012 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Common Council, the Building Commissioner or a designee, the Zoning Administrator or a designee, the City Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin or abate a violation of this Chapter.

Ordinance # 2016 A 7/6/99
Ordinance # 2055, A 5/1/07, Sec. 17.1012

SEC. 17.1013 REMEDIAL ACTION

Whenever an order of the Building Commissioner or a designee, Zoning Administrator or a designee has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Plan Commission, the Building Commissioner, the Zoning Administrator, the City Attorney, or a designee may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water; and to cause to remove such structure or use.

Ordinance # 2016 A 7/6/99
Ordinance # 2455, A 5/1/07, Sec. 17.1013

SEC. 17.1014 PENALTIES

Penalties for violation of the provisions of this chapter shall be in accordance with the provisions of Chapter 1.07 of the Municipal Code.

Ordinance #2016 A 7/6/99

SEC. 17.1050 ADMINISTRATION OF FLOODPLAIN ZONING DISTRICTS

Where a zoning administrator, planning agency or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

(a) ZONING ADMINISTRATOR

(1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

a. Advise applicants of the ordinance pro visions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.

c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

d. Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
4. All substantial damage assessment reports for floodplain structures.

e. Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

f. Investigate, prepare reports, and report violations of this ordinance to the municipal City Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

g. Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE BUILDING PERMIT. A land use building permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall be on a form provided by the zoning administrator and shall include:

a. GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

b. SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum(NGVD);
8. Date sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of Section 17.0322 or 17.0323 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 17.0321(f)(1). This

may include any of the information noted in Section 17.0322(c)(1).

c. DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceed $125,000. The applicant shall provide:

i. An analysis of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

ii. A map showing location and details of vehicular access to lands outside the floodplain; and

iii. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

d. EXPIRATION

All permits issued under the authority of this ordinance shall expire 180 days after issuance.

(3) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

b. Application for such certificate shall be concurrent with the application for a permit;

c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Section 17.1050(e).

(4) OTHER PERMITS. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(b) ZONING AGENCY

(1) The City Plan Commission shall:

a. oversee the functions of the office of the zoning administrator; and

b. review and advise the Common Council on all proposed amendments to this ordinance, maps and text.

(2) This City Plan Commission shall not

a. grant variances to the terms of the ordinance in place of action by the Board of Appeals; or

b. amend the text or zoning maps in place of official action by the Common Council.

(c) BOARD OF APPEALS. The Board of Appeals, created under s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) POWERS AND DUTIES. The Board of Appeals shall:

a. Appeals – Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

b. Boundary Disputes – Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

c. Variances – Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD.

a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise

provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

b. NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES.
   1. Notice – The board shall:
      i. Fix a reasonable time for the hearing;
      ii. Publish adequate notice pursuant to Section 17.1301;
      iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
   2. Hearing – Any party may appear in person or by agent or attorney. The board shall:
      i. Resolve boundary disputes according to Section 17.1050(c)(3).
      ii. Decide variance applications according to Section 17.1050(c)(4).
      iii. Decide appeals of permit denials according to Section 17.1050(d).

c. DECISION: The final decision regarding the appeal or variance application shall:
   1. Be made within a reasonable time;
   2. Be sent to the Department Regional office within 10 days of the decision;
   3. Be a written determination signed by the chairman or secretary of the Board;
   4. State the specific facts which are the basis for the Board's decision;
   5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
   6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the Common Council for a map amendment according to Section 17.1207.

(4) VARIANCE.

a. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
   1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
   2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
   3. The variance is not contrary to the public interest; and
   4. The variance is consistent with the purpose of this ordinance in Section 17.0321(c).

b. In addition to the criteria in Section 17.1050(c)(4)a., to qualify for a variance under FEMA regulations, the following criteria must be met:
   1. The variance may not cause any increase in the regional flood elevation;
   2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
   3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief

efforts and shall not be contrary to the purpose of the ordinance.

c. A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this ordinance or map(s) required in Section 17.1207(a).
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(d) TO REVIEW APPEALS OF PERMIT DENIALS.

(1) The City Plan Commission (Section 17.1050(b)) or Board shall review all data related to the appeal. This may include:

a. Permit application data listed in Section 17.1050(a)(2).

b. Floodway/floodfringe determination data in Section 17.0324(d).

c. Data listed in Section 17.0322(c)(1)b.2. where the applicant has not submitted this information to the zoning administrator.

d. Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

a. Follow the procedures of Section 17.1050(c);

b. Consider City Plan Commission recommendations; and

c. Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(e) FLOODPROOFING.

(1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(2) Floodproofing measures shall be designed to:

a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

b. Protect structures to the flood protection elevation;

c. Anchor structures to foundations to resist flotation and lateral movement; and

d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(3) Floodproofing measures could include:

a. Reinforceing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

b. Adding mass or weight to prevent flotation.

c. Placing essential utilities above the flood protection elevation.

d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.

f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(f) PUBLIC INFORMATION. Information shall be made available to the public in accordance with Section 17.1002.

Ordinance 2360, A 8/30/05, Sec. 17.1050

SEC. 17.1051 FLOODPLAIN ZONING ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $25.00 and not more than $50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

Ordinance 2360, A 8/30/05, Sec. 17.1051

ZONING BOARD OF APPEALS

SEC. 17.1101 ESTABLISHMENT

There is hereby established a Zoning Board Appeals for the City of Oak Creek for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Zoning Code. The Zoning Board of Appeals shall consist of five (5) members plus two (2) alternates appointed by the Mayor and confirmed by the Common Council as set forth in Section 2.64 of the Municipal Code of the City of Oak Creek.

SEC. 17.1102 ORGANIZATION

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of Section 2.64 of the Municipal Code of the City of Oak Creek and this Chapter.

(a) Meetings shall be held at the call of the chairman and shall be open to the public.

(b) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the City Clerk and shall be a public record.

(c) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; or make an interpretation.

SEC. 17.1103 POWERS

The Zoning Board of Appeals shall have the following powers:

(a) Errors: To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by any administrative official.

(b) Variances: To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety and welfare secured and substantial justice done. Use variances shall not be granted.

(c) Permits: The Board may reverse, affirm wholly or partly, or may modify the order, requirements, or decision or determination appealed from, and may issue or direct the issuance of a permit.

(d) Assistance: The Board may request assistance from other city officials, departments, commissions, and boards.

(e) Oaths: The chairman or vice-chairman may administer oaths and compel the attendance of witnesses.

SEC. 17.1104 APPEALS & APPLICATIONS

Appeals of the decision of the Building Commissioner or Zoning Administrator, or any administrative official concerning the literal enforcement of this Chapter may be made by any person aggrieved or by any officer, department, or board of the City. Such appeals shall be filed with the City Clerk within thirty (30) days after receipt of written notice of the decision or order of the Building Commissioner or Zoning Administrator, or any administrative official. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the City Clerk. Such appeals and applications shall include the following:

(a) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

(b) Plat of survey prepared by a registered land surveyor showing all of the information required under Section 17.1004(c) for a Building Permit when required by the Building Commissioner or a designee, Zoning Administrator or designee or a sketch drawn to a recognized map scale may be submitted.

(c) Additional information required by the City Plan Commission, City Engineer, Zoning Board of Appeals, Zoning Administrator, Building Commissioner, or a designee.

(d) A filing fee, as set forth in Sec. 3.40 of the Municipal Code, shall be submitted with the application.

Ordinance # 2455, A 5/1/07, Sec. 17.1104
Ordinance # 2455, A 5/1/07, Sec. 17.1104(b)
Ordinance # 2455, A 5/1/07, Sec. 17.1104(c)

SEC. 17.1105 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in Section 17.1301(a) of this Chapter, and shall give due notice to the parties in interest, the Building Commissioner or a designee, the Zoning Administrator or a designee, and the Department of Community Development. At the hearing the appellant may appear in person, by agent, or by attorney.

Ordinance # 2455, A 5/1/07, Sec. 17.1105

SEC. 17.1106 NOTICE TO DNR

The Zoning Board of Appeals shall transmit a copy of each appeal or application for a variance to regulations of the Shoreland Wetland Conservancy District, the Floodplain Districts to the Wisconsin Department of Natural Resources (DNR) in accordance with Section 17.1050(c)(2)b.1. A copy of the final decision

regarding appeals or variance applications related to conservancy district regulations or to floodplain district regulations shall be transmitted to the DNR in accordance with Section 17.1050(c)(2)c.2.

Ordinance # 2360, A 8/30/05 Sec. 17.1106

SEC. 17.1107 FINDINGS

No variance to the provisions of this Chapter shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

(a) Preservation of intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(b) Exceptional circumstances: There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties of uses in the same zoning classification, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Chapter should be changed.

(c) Economic hardship and self-imposed hardship not grounds for variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(d) Preservation of property rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.

(e) Absence of detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

(f) Additional requirements in floodplain districts. The criteria in Section 17.1050(c)(4) must be met.

Ordinance 2360, A 8/30/05 Sec. 17.1107(f)

SEC. 17.1108 WETLAND & FLOODLAND MAPPING DISPUTES

(a) Wetland Disputes. Whenever the Board of Appeals is asked to interpret a C-1 Shoreland Wetland District boundary where an apparent discrepancy exists between the City's Final Wetland Inventory Map and actual field conditions, the City shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the City Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time. If the DNR staff concurs that the particular area is correctly mapped, the Zoning Board of Appeals shall deny the appeal.

(b) Floodland Boundary Disputes. The Zoning Board of Appeals shall follow the procedure in Section 17.1050(c)(3) in hearing disputes concerning floodplain district boundaries.

Ordinance # 2360, A 8/30/05, Sec. 17.1108(b)
Ordinance # 2455, A 5/1/07, Sec.17.1108(a)

SEC. 17.1109 DECISION

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Commissioner or a designee, Zoning Administrator or a designee, and City Plan Commission.

(a) Conditions may be placed upon any building permit ordered or authorized by this Board which shall be enforced by the Building Commissioner.

(b) Variances granted by the Board, relating to the commencement of construction of a building or structure, shall expire within a period of time established by the Board, but in no case shall such period exceed twelve (12) months unless substantial work has commenced pursuant to such variance as determined by the Building Commissioner or Zoning Administrator, or a designee. If the variance expires, it is null and void and the applicant must reapply for a variance.

(c) The final decision regarding the appeal or variance application related to floodplain district regulations shall be in accordance with Section 17.1050(c)(2)c.

Ordinance # 2360, A 8/30/05 Sec. 17.1109(c)
Ordinance # 2455, A 5/1/07, Sec. 17.1109
Ordinance # 2455, A 5/1/07, Sec. 17.1109(b)

SEC. 17.1110 REVIEW BY COURT OF RECORD

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any taxpayer, or any officer, department, or board of the City may, within thirty (30) days after the filing of the decision in the office of the Zoning Board of Appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the Zoning Board of Ap-

peals and on due cause shown, grant a restraining order. The Zoning Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

CHANGES AND AMENDMENTS

SEC. 17.1201 AUTHORITY
The Common Council may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto.

SEC. 17.1202 INITIATION
A change or amendment may be initiated by the Common Council or City Plan Commission or by an application of one or more of the owners, lessees, or contract purchasers of the property proposed to be changed.

SEC. 17.1203 APPLICATIONS
Applications for any change to the district boundaries or amendments to the regulations shall be filed with the Director of Community Development, and shall contain a legal description of the premises to be rezoned or the regulations to be amended. If the application is submitted by a contract purchaser, a copy of the offer to purchase shall be included with the application. The application shall list the reasons which justify the application, and specify the proposed use, or provide the proposed amended wording in the regulation.

SEC. 17.1204 REVIEW AND RECOMMENDATIONS
The City Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

SEC. 17.1205 HEARINGS
The Common Council shall hold a public hearing upon each application giving public notice thereof as specified in Section 17.1300 of this Chapter, listing the time, place, and the changes of amendments proposed. The Common Council shall also give at least ten (10) days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

SEC. 17.1206 COMMON COUNCIL'S ACTION
As soon as possible after such public hearing, and after careful consideration of the City Plan Commission's recommendations, the Common Council shall act on the application either approving, modifying and approving, or disapproving of the same.

SEC. 17.1207 FLOODLAND DISTRICT BOUNDARY AMENDMENTS

(a) GENERAL. The Common Council may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:
   (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
   (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
   (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
   (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
   (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
   (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
   Note: Consult the FEMA website – www.fema.gov – for a current map change fee schedule.

(f) PROCEDURES. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages. Such petitions shall include all necessary data required by Section 17.0324(d) and Section 17.1050(a)(2).
   (1) The proposed amendment shall be referred to the City Plan Commission for a recommendation to the Common Council. The Common Council shall hold a public hearing prior to taking action on the proposed amendment. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats..
   (2) No amendments shall become effective until reviewed and approved by the Department.
   (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amend-

ment can be approved by the Common Council.

(4) For amendments in areas with no water surface profiles, the City Plan Commission shall consider data submitted by the Department, visual on-site inspections of the Zoning Administrator or designee, and other available information. (See Section 17.0321(e)(4)).

Ordinance # 2360, A 8/30/05, Sec. 17.1207
Ordinance # 2455, A 5/1/07, Sec. 171207(f)(4)

SEC. 17.1208 SHORELAND WETLAND AMENDMENTS

(a) Notice to DNR. The City shall transmit a notice of any proposed change (text or map) in the C-1 Shoreland Wetland Conservancy District to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

(1) A copy of every application for a text or map change shall be mailed within five (5) days of filing with the Director of Community Development.

(2) At least ten (10) days prior notice of any public hearing on a shoreland wetland zoning amendment shall be provided.

(3) Notice of a City Plan Commission recommendation no later than ten (10) days following the recommendation shall be provided.

(4) Notice of a Common Council decision no later than ten (10) days following the decision shall be provided.

(b) Review Standards. No wetland in the C-1 district shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) DNR Objections. If the DNR has notified the City Plan Commission that an amendment to the C-1 District may have a significant adverse impact upon any of the criteria listed in Paragraph (b) above, that amendment, if approved by the Common Council, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shoreland ordinance for the City pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated."

SEC. 17.1209 PROTEST

In the event of a protest against a district change duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Common Council membership present and voting on the proposed change.

PUBLIC HEARINGS

SEC. 17.1301 PUBLIC HEARINGS

Notice of any public hearing which the Common Council, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Chapter 985 of the Wisconsin Statutes, the notice may be published as a Class 1 notice or Class 2 notice, to-wit:

(a) The Notice of Public Hearing for a variance or appeal before the Zoning Board of Appeals shall be published in a newspaper of general circulation in the City of Oak Creek as a Class 1 notice, that is, published once at least one week (7 days) before the public hearing. Notice of the public hearings shall be mailed to all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

(b) The Notice of Public Hearing for a Zoning Amendment (text or map) or a conditional use permit shall be published in a newspaper of general circulation in the City of Oak Creek as a Class 2 notice that is at least once each week for two (2) consecutive weeks, the last publication of which shall be at least one week (7 days) before the public hearing. Notice of the public hearings shall be mailed to all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application and the owners of all lands included in the application and all lands lying within 300 feet of lands included in the application. In addition, the Alderman of the district may request additional property owners be notified beyond the 300 feet. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

DEFINITIONS

SEC. 17.1401 GENERAL DEFINITIONS

For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

SEC. 17.1402 SPECIFIC WORDS AND PHRASES

A Zones. Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use. A use or detached structure subordinate to the principal use of a structure, land, water, or air and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure.

Adult Family Home. A private residence to which all of the following apply:

(a) Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings.

(b) The private residence was licensed under s. 48.62 as a foster home for the care of the adults specified in par. (a) at least 12 months before any of the adults attained 18 years of age.

Adult-Oriented Facilities. Commercial establishments in which a significant portion of the business is to (a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity; and/or (b) which display for viewing any film or pictures depicting sexual conduct or nudity; and/or (c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity.

Alley. A public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Antenna. A specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas, including, but not limited to the following:

1. Directional (or "panel") antennas, designed to receive and/or transmit signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;
2. Parabolic (or "dish") antennas, generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction;
   (a) Microwave parabolic antennas are designed to transmit and/or receive microwave signals to or from other microwave parabolic antennas;
   (b) Satellite parabolic antennas are designed to transmit and/or receive audio and/or video or data signals from satellites orbiting the earth;
3. Other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.

Antenna, Earth Station Dish. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites (Also see Section 17.0203).

Antenna, Terrestrial. Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.

Art Studio. An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macrame, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation.

Arterial Highway. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include

freeways and expressways, state trunk and county trunk highways, and other heavily traveled streets.

Assembly. When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.

Audio/Video Production. An activity, not in conjunction with adult-oriented facilities, involving the production, including scripting, recording, editing and post production of audio and visual taped media for educational, entertainment or promotional purposes.

Automotive Sales and Service. Any building, land area, or other premises for the display and sale of new or used automobiles, pickup trucks or vans, lawn and garden implements, trailers, boats, or other recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Automotive Body Repair. Activities involving the repair, painting or undercoating of the body or frame of vehicles with a gross vehicle weight of 10,000 pounds or less. Body and frame repair does not include mechanical engine or power train repair.

Automotive Mechanical Repair. Activities involving the maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less. Mechanical repair does not include body and frame repair, painting or undercoating.

Awning. See "Marquee."

"A" Zones. Areas of potential flooding shown on the City's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be unnumbered "A" Zones. The "A" Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Baby Sitting. The act of providing care and supervision for fewer than four children. This definition does not apply when the baby sitter is related to the child, or when more than four children in one household are related.

Base Flood. Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement. That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

Bed and Breakfast. Any place of lodging that provides four (4) or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bedroom. A private room, 100 square feet or more in area, planned for sleeping and separable from other rooms by a door.

Billboard. See "Sign, Off-Premise."

Buffer Yard. An area of land containing sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

Buildable Area. The area of the lot remaining after the minimum front setback, side setbacks, rear setback, and other open space requirements, such as wetlands, have been met. (See Illustration No. 5)

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, vehicles or materials.

Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the front yard of the structure to the highest point of the roof. (See Illustration No. 6)

Building, Principal. The main building or structure as distinguished from a secondary or accessory building. This includes a house in a residential district, a store in a business district, a factory in a manufacturing district, or farm buildings in an agricultural district.

Building Setback Line. A line within a lot or parcel of land designated, pursuant to City Zoning Code requirements, on a plat of a proposed subdivision within which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

Building, Temporary. Any building not designed to be permanently located in the place where it is currently located, or where it is intended to be located.

Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Bulletin Board. See "Sign, Bulletin."

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

Camping Unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Candela. A measure of light intensity. A candela is equal to 1/60 of the luminous intensity per square

centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046° K.) By comparison, a "foot-candle" is the illumination of a surface one foot distant from a source of one candela, or one lumen per foot.

Canopy. See "Marquee."

Car or Truck Wash. Any facility used for the washing of vehicles requiring the installation of special equipment.

Certificate of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Chapter 980 Stats. Supervised Release. "Chapter 980 Stats. supervised release use. An occupancy use of a dwelling unit pursuant to a plan of the Department of Health and Family Services, a Court order, or as may otherwise result from or be provided for under Chapter 980 of the Wisconsin Statutes, which occupancy use is the supervised release of a sexually violent person."

Co-Location. Locating wireless communication facilities from more than one provider on a single site.

Commercial Vehicle Sales and Service. Any building, land area, or other premises for the display and sale of large trucks and equipment, typically used in commercial and industrial operations, and including any warranty repair work and other repair service conducted as an accessory use. For the purpose of this Chapter, commercial trucks are trucks with a gross vehicle weight in excess of 10,000 pounds.

Community-based Residential Facility. A place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility.

Community Living Arrangement. Means any of the following facilities: child welfare agencies, group home for children and community-based residential facilities; but does not include adult family homes, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Conditional Uses. Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses have been used in zoning ordinances as flexible devices, which are designed to cover situations where a particular use, although not inherently inconsistent with the use classification of a particular zoning district, may create special problems and hazards if allowed to develop and locate as a matter of right in a particular zoning district. Conditional uses are issued to properties, not individuals, and their continued use runs with the property, not with the owner.

Convenience Food Store. A retail establishment of less than 3,000 square feet in area where food products and related household products are sold.

Crawlways or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Curb Elevation. The elevation of the established curb in front of a building or structure generally used as a reference point in establishing yard grades. Where curb has not been installed, the mean centerline elevation of the street in front of the building or structure shall be used as the reference point.

Day Care Center. See "Family Day Care Home" and "Group Day Care Center."

Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Department. The Wisconsin Department of Natural Resources.

Development. Any artificial 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 alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

District, Basic. A part or parts of the City for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).

District, Overlay. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district.

Drive-in/Drive-through Restaurant. A free-standing establishment used for the sale, dispensing or serving of food, refreshments, or beverages where customers may be served in an automobile and may eat and drink the food, refreshments, and beverages on or off the premises.

Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or travel trailers.

Dwelling, Single-Family. A building designed for or occupied exclusively by one (1) family, including manufactured homes.

Dwelling, Two-Family. A building, also called a duplex, containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families, and having separate entrances and kitchen facilities.

Dwelling, Multiple-Family. A residential building designed for or occupied by three (3) or more families, with the number of families in a residence not to exceed the number of dwelling units provided.

Dwelling, Bi-Level. A two-level dwelling with one level above grade, and the other level partially above grade and partially below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Building Commissioner or a designee will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered to be the first level that is entirely above grade.

Dwelling, Tri-Level. A three-level dwelling with two levels above grade, and a third level partially above grade and partially below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Building Commissioner or a designee will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered to be the first level that is entirely above grade.

Dwelling Unit. A group of rooms including at least a kitchen or kitchenette, sanitary facilities, and a bedroom; and providing, or intended to provide, living quarters for not more than one (1) family.

Dwelling Unit, Efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette facilities and sanitary facilities.

Election Campaign Period. In the case of an election for office, the period beginning on the first day of circulation of nomination papers by candidates or the first day that candidates would circulate nomination papers were papers to be required, and ending the day of the election. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Encroachment. Any fill, structure, equipment, building, use or development in the floodway.

Environmental Contractor. Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not including any on-site storage or remediation of materials.

Environmental Control Facility. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

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 facilities such as gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, detention basins, drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, railroad tracks, and hydrants, but not including buildings.

Existing Manufactured Home Park or Subdivision. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Expansion to Existing Mobile/Manufactured Home Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Family. A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;
2. Two unrelated people.
3. Two unrelated people and any children related to either of them.

A family does not include:

1. Any society club, fraternity, sorority, association, lodge, combine, federation or other like organization.
2. Two or more individuals whose association to each other is temporary and/or seasonal in nature;
3. More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes.

4. Three or more people who are granted a Conditional Use Permit as a Function Family Unit, provided that a Conditional Use Permit for a Functional Family Unit shall be personal to the Functional Family Unit.

Family Day Care Home. A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children under the age of 7 years for less than 24 hours per day.

Farm. A parcel of land used for agricultural activities including, but not limited to, the raising and harvesting of field crops; the raising of livestock; and the raising and harvesting of trees, orchards, or vineyards.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, decorate, or screen areas of land.

Fence, Ornamental. An architecturally attractive fence with a minimum of fifty (50) percent open space intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are often of the rail, or wrought iron type. A chain link or wire fence is not considered an ornamental fence.

Fence, Residential. A fence intended to identify residential property lines, provide for privacy, and/or to protect members of a household, especially children. A residential fence may also secure a private swimming pool against unauthorized entry. Residential fences are usually four to six feet in height. Residential fences are often of the picket, rail, stockade, board-on-board, board and batten, basket weave, or louvered type, and may include chain link fences.

Fence, Security. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

Flea Market. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(a) The overflow or rise of inland waters,
(b) The rapid accumulation or runoff of surface waters from any source,
(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
(d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water. (See Illustration No. 7)

Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes. (See Illustration No. 7)

Floodplain Management. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood Profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river. (See Illustration No. 8)

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of

buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)(See Illustration No. 7)

Flood Storage. That area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge. (See Illustration No. 7)

Floor Area, Gross. The sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net. The total of all floors areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading space; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. Very often, for ease of administration, net floor area is expressed as gross floor area minus a certain percentage. Empirically, stairwells, elevator shafts, equipment rooms, and utility rooms generally average out to about 15 percent of the gross floor area.

Floor Area Ratio. The gross floor area of all buildings on the lot divided by the lot area. This is often expressed as a percentage of the lot. Floor area ratio differs from lot coverage in that the floor area of all floors of each building is used in making the calculation.

Foster Home. Any facility operated by a person required to be licensed by Section 48.62 that provides care and maintenance for no more than 4 children unless all children are siblings.

Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed. (See Illustration No. 7)

Frontage. The dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the dimension measured along the shoreline.

Front Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the front property line and the nearest foundation wall of a principal or accessory building, excluding overhangs, uncovered steps and stoops, gutters and awnings. Where the street line is an arc, the setback shall be measured from the arc. (See Illustration No. 9)

Front Yard. A regulated area on a developed parcel of land. The yard area bounded by the front lot line, the side lot lines and the front foundation wall of a principal building , excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 10)

Functional Family Unit. In RS-1, RS-2, RS-3, and RS-4, single family residential zoning districts, and RD-1, RM-1 and agricultural zoning districts, a functional family unit shall consist of a group of individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in single family residential neighborhoods. In determining whether or not a group of unrelated individuals is a functional family unit under this definition, the following criteria must be used.

1. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.
2. The following factors shall be considered in determining whether a functional family exists:
   a. The presence of minor dependent children regularly residing in the household;
   b. Evidence of shared household expenses;
   c. Whether or not different members of the household have the same address for purposes of voter registrations, drivers' licenses, motor vehicle registrations, summer or other residences and the filing of taxes;
   d. Enrollment of dependent children in local schools;
   e. Any other evidence reasonably related to whether or not the group or persons have functioned as a family unit as defined in this ordinance.

Garage, Private. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises.

Garage, Public or Commercial. A structure, or portion thereof, other than a private garage, used primarily for the parking and storage of motor vehicles and available to the general public. A public garage may or may not charge a fee for such use.

Garage, Repair. See "Automobile Body Repair" and "Automobile Mechanical Repair."

Garage Sale. See "Rummage Sale."

Gasoline Service Stations. Any building, land area, or other premises, or portion thereof, used or intend-

ed to be used for the retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes. Contemporary services may also be associated with another principal use such as a convenience food store. In such instance, the facility is to comply with both the service station and food store requirements of this Chapter.

Grocery Store. A retail establishment of at least 25,000 square feet in area, where food products and related household products are sold.

Group Day Care Center. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the Wisconsin Statutes for the care and maintenance of five (5) to eight (8) children.

Habitable Structure. Any structure or portion thereof used or designed for human habitation.

Height of Tower. The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure. Any structure that is either:

(a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Home Occupation. Any occupation for financial gain or support conducted entirely within the premises by resident occupants; which is customarily incidental to the principal use of the premises. [see also Section 17.0501(D) of this Chapter]

Hotel. An establishment, licensed pursuant to Chapter 50 of the Wisconsin Statutes, wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith. The terms “Hotel,” “Motel,” and “Inn” are synonymous.

Housing for the Elderly. A dwelling unit or units designed and constructed to be occupied by elderly persons and their spouses. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises.

Increase in Regional Flood Height. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Indoor commercial recreation facilities. A commercial use, with or without seating for spectators, conducted entirely within a building for recreational activities including, but not limited to, playgrounds, miniature golf courses, driving ranges, batting cages, gymnasiums, tennis courts, volleyball courts, basketball courts, trampoline parks, swimming pools, billiard or pool halls.

Junk or Salvage Yard. An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kennel. Any structure or premises in which animals are kept, boarded, bred, or trained for commercial gain.

Kennel, Private. A place where no more than two dogs are housed for personal use.

Land Use. Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

Legal Nonconforming Structure. A building or structure lawfully existing at the time of adoption of the Zoning Ordinance which houses a use which is permitted in the district, but does not comply with all the applicable area, height, yard, and/or parking requirements of the district in which it is located.

Legal Nonconforming Use. Any use of land, or land and buildings in combination, lawfully existing at the time of adoption of the Zoning Ordinance, which does not comply with the use regulations for the district in which it is located.

Living Area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.

Loading Area. A completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.

Lot Area, Gross. The total area within the lot lines of a lot, including any street rights-of-way.

Lot Area, Net. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. (See Illustration No. 11)

Lot Coverage. That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground floor of each building is used in making the calculation.

Lot, Double Frontage. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See Illustration No. 11)

Lot, Interior. A lot abutting a single street and which is bounded by adjacent lots along its side and rear lot lines. (See Illustration No. 11)

Lot Width. The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width, especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot. A lot is not considered buildable unless the minimum lot width required for the district in which the lot is located is maintained at the front setback line and for a distance of 30 feet immediately behind the front setback line.

Machine Shops. Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDM's to create a component or end product.

Manufactured Dwelling. Any structure or component thereof which is intended for use as a dwelling and (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation on the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer pursuant to the Wisconsin Uniform Dwelling Code. A single or double width manufactured (mobile) home is not considered a manufactured dwelling.

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Manufacturing. Activities involving the mechanical or chemical transformation of materials or substances into new products.

Marquee. A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the street right-of-way. A marquee may also be called a canopy or an awning.

Material Shipment Center. An establishment primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of services of other transportation establishments.

Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size limits under Section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under Section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: Section 340.01(29), Wis. Stat.]

Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

Mobile Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Modification. A departure from the rules and regulations set forth in this Chapter where a particular use is not required to meet the stated requirements of the Ordinance. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences, or accessory buildings to comply with side or rear setback requirements for principal buildings. The Ordinance may limit the amount of modification from the stated requirements for given structures or uses.

Modular Unit. A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

Motor Home. A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Municipality or Municipal. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

Navigable Water. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

Neighborhood Food Store. A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where food products and related household products are sold.

New Construction. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming Structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming Use. An existing lawful use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Nudity. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

Nursing Home. Any facility which provides twenty-four- (24) hour services, including room and board, to three (3) or more unrelated residents; who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week.

Obstruction to Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map. That map, adopted and made part of this ordinance, as described in Section 17.0321(e)(2), which has been approved by the Department and FEMA.

Open Space Use. Those uses having a relatively low flood damage potential, such as agriculture, recreation, parking or storage yards and not involving structures.

Ordinary Highwater Mark. The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots include rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Use. See "Use, Principal."

Private Sewage System. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Professional Home Offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Publishing House. A facility where books, magazines, periodicals, maps, etc. are printed and issued.

Rear Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the rear internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 12)

Rear Yard. A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot lines and the rear foundation wall of the principal structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 13)

Reasonably Safe From Flooding. Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional Flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Right-of-way. A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.

Rummage Sale. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

Seat and Seating. Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Setback. The minimum required horizontal distance between an internal lot line or the street right-of-way and the regulated structure or item. (See also "front setback," "side setback," and "rear setback")

Sexual Conduct. Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Shorelands. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non- navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. (See Illustration No. 14)

Side Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the side internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 15)

Side Yard. A regulated area on a developed parcel of land. The yard area bounded by the side lot line, the side foundation wall of the principal structure, excluding uncovered steps and stoops, gutters and awnings, the front yard and the rear yard. (See Illustration No. 16)

Sign. Any medium, including sign face, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Sign, Abandoned. Any sign which has been discontinued for a period of 12 consecutive months which sign advertises or identifies an activity that has been discontinued for 12 consecutive months shall be considered abandoned.

Sign, Awning. A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Illustration No. 17)

Sign, Bulletin. A sign which directs attention to municipal, civic, educational, religious or other nonprofit organizational buildings or activities; that is located or to be located upon the premises where the sign is located or is located upon a premises other than where the sign is located.

Sign, Canopy. Any sign or letter placed on a canopy.
Sign Copy. The message or advertisement, and any other symbols on the face of a sign.
Sign, Directional. A sign that does not advertise, but merely draws attention to a business or development by indicating, no more than, the direction and distance it is from the sign.
Sign Face. The area or display surface used for the message.
Sign, Ground. Any sign placed upon a pole or other support independent of any other structure, where the sign height does not exceed 10 feet. (See Illustration No. 21)
Sign, Marquee. Any sign attached to a marquee.
Sign, Memorial. A sign or plaque noting such information as the name of the building, when it was built and by whom.
Sign, Name. A sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.
Sign, Off Premise. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
Sign, Pole. A sign that is mounted on a free standing pole or other support so that the bottom of the sign is 12 feet or more above grade. (See Illustration No. 28)
Sign, Portable. A sign that is not permanently affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 29)
Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 30)
Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Illustration No. 33)
Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 36)
Sign, Warning. A sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.)
Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 38)
Start of Construction. For floodplain management purposes, "start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Street. A public right-of-way not less than 50 feet wide providing primary vehicular access to abutting properties.
Street Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the right-of-way line of the second street of a corner lot and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhang, uncovered steps and stoops, gutters and awnings. (See Illustration No. 39)
Street Yard. A regulated area on a developed parcel of land. The yard area bounded by the second street right-of-way of a corner lot, the front yard, the foundation wall of the principal structure and the lot line opposite the front lot line. (See Illustration No. 40)
Strip Shopping Center. A complex of buildings containing commercial development located on property along one or both sides of a street that is generally one lot in depth and is has multiple and relatively closely spaced driveways, low open space and landscaping ratios, and high floor area ratios.
Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
Structure. Anything erected or constructed, such as buildings, prefabricated or pre-built buildings, towers, masts, poles, booms, signs, bridges, culverts and carports. Appurtenances constructed at or below

grade such as patios, driveways, or sidewalks are not considered to be structures.

Subdivision. Has the meaning given in s. 236.02(12), Wis. Stats.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Sustained Yield Forestry. Management of forested lands to provide annual or periodic crops of forest products.

Tower. A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

Truck Sales and Service. See "Commercial Vehicle Sales and Service."

Turning Lane. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unnecessary Hardship. The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Principal. The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, a factory in a manufacturing district, or crops or farm buildings in an agricultural district. Within the zoning districts in this Chapter, the principal use is also referred to as the "permitted use."

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops, and municipal storage yards.

Variance. An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit the use of a property that is otherwise prohibited by this Chapter. No variance may be granted to allow any floor below the regional flood elevation.

Violation. The failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Vision Clearance Triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See Illustration No. 1 and 2)

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wireless Telecommunication Services. Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Wireless Telecommunication Site. A facility operated by a licensed wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Woodland. An area of wooded land at least one acre in size and containing deciduous or coniferous trees; that, at least fifty (50) percent of which, are either twenty (20) feet or more in height or have a trunk diameter, six (6) inches above the ground, of at least four (4) inches.

Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. Front yards and rear yards extend the full width of the lot. (Also see "Front Yard," "Rear Yard," "Side Yard," and "Setback")

Ordinance # 2106, A 1/4/01 Sec. 17.1402
Ordinance # 2342, A 4/4/05, Sec. 17.1402

Ordinance # 2358, A 7/19/05, Sec. 17.1402
Ordinance # 2360, A 8/30/05, Sec. 17.1402
Ordinance # 2455, A 5/1/07, Sec. 17.1402
Ordinance # 2510, A 7/1/08, Sec. 17.1402
Ordinance #2549, A 4/6/09, Sec. 17.1402
Ordinance #2711 A 2/17/14, Sec. 17.1402

APPENDIX OF ZONING ILLUSTRATIONS