

CHAPTER 17 ZONING CODE

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17.01 SHORT TITLE. This chapter shall be known as the “Kiel Zoning Code.”

17.02 DEFINITIONS. (1) **ACCESSORY USE, BUILDING OR STRUCTURE.** A use, building or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use, building or structure.

(2) **ALLEY.** A public way affording secondary means of access to abutting property.

(3) **APARTMENT.** A room or suite with cooking facilities available which is occupied as a residence; includes dwelling unit and efficiency unit.

(4) **BASEMENT OR CELLAR.** A story partly underground with at least 1 / 2 of its height below the average level of the adjoining ground.

(5) **BOARDING OR ROOMING HOUSE.** Any dwelling in which unrelated persons are housed or lodged for compensation with or without meals, having not more than 10 sleeping rooms and without separate kitchen facilities.

(6) **BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or personal property.

(7) **BUILDING HEIGHT.** The vertical distance from the average elevation of the adjoining ground level, or the property line grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

(8) **BUILDING, PRINCIPAL.** The main structure on a lot which houses the primary use of the premises.

(9) **CARPORT.** An open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

(10) **DWELLING UNIT.** A building or portion thereof, designed or used exclusively as the living quarters for one or more persons living, sleeping, cooking and eating on the same premises as a housekeeping unit.

(11) **ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communications, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utility or municipal departments for the general public health, safety, convenience or welfare.

(12) **FAMILY DAY CARE HOME.** A home which is a dwelling licensed as a day care center by the Department of Health and Family Services under Section 48.65, Wis. Stats., where care is provided for not more than 8 children.

(13) FENCE. A barrier made of wood, metal, stone or other material.

(14) FLOOR AREA. The sum of the gross areas of the building floor, exclusive of porches, balconies, garages and basements. Measurements shall be made from the inside of the exterior walls to the center of the interior walls.

(15) GARAGE, PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing of vehicles.

(16) GENERAL FLOOR PLAN. A graphic representation of the anticipated utilization of the floor area within a building or structure, to include height and width dimensions, but not necessarily as detailed as construction plans.

(17) GRADE ESTABLISHED. The elevation of the centerline of the streets as officially established by the City.

(18) HEDGE. A thicket of bushes planted as a boundary.

(19) HOME OCCUPATION. Any gainful occupation or profession engaged in by the occupants of the dwelling, where the following conditions are met:

(a) It is conducted within the dwelling or attached accessory building or upon a parcel of land containing the dwelling unit.

(b) Except for gardening, evidence of the occupation shall not be visible from any City street.

(c) The use does not adversely affect the character of the uses permitted in the district in which it is located by causing excessive traffic, noise or electrical interference.

(d) No person other than a member of the immediate family which

occupies such dwelling unit shall be employed in the home occupation.

(e) No more than 25% of the area of any dwelling unit plus accessory buildings shall be devoted to the home occupation, except that rooms rented to lodgers shall not be subject to this limitation.

(f) No outside storage of equipment or materials used in the home occupation shall be permitted.

(20) HOTEL. A building containing 5 or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

(21) JUNK YARD. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron, other metals, paper, rags, rubber products, plastic products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process on the lot when within an enclosed area or building shall not be included.

(22) LOT OF RECORD. A lot which is shown in the records of the County Register of Deeds.

(23) LOT, CORNER. A lot situated at the junction of, and abutting on, 2 or more intersecting streets.

(24) LOT, DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.

(25) LOT LINE, FRONT. That boundary of the lot which abuts an existing or dedicated public street.

(26) LOT LINE, REAR. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10' in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10' in length within the lot, parallel to and at the maximum distance from the front lot line.

(27) LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

(28) LOT WIDTH. The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and within the building area of the lot.

(29) MOTEL. A place, other than a hotel, in which sleeping accommodations are offered for pay to transients in 5 or more rooms.

(30) MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is transferred or stored from movement in intrastate or interstate shipment by motor truck.

(31) MOTOR FUEL STATION. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services and the performance of minor automotive maintenance and repair.

(32) MOTOR FUEL CONVENIENCE STORE. Any store operated in conjunction with a motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

(33) MULTI-FAMILY DWELLING. The term "multi-family dwelling" shall mean any building designed or used exclusively as the living quarters for three or

more families.

(34) NONCONFORMING STRUCTURE. Any structure which is existing upon the effective date of this chapter, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this chapter.

(35) NONCONFORMING USE. Use of land, buildings or structures existing at the time of adoption of this chapter, which does not comply with all the regulations of this chapter or any amendments hereto governing the zoning district in which such use is located; except that a lot existing before April 17, 2001, which meets the size requirements for a lot to be built upon prior to April 17, 2001 may be built upon provided the present building code requirements are followed.

(36) PARKING SPACE. The area required for parking one automobile, which in this chapter is held to be an area 10' wide and 18' long, not including drive or passageways.

(37) PLAN COMMISSION. Within this chapter, the term "Plan Commission" shall refer to the Plan Commission of the City of Kiel.

(38) PLAT. A map or chart of land.

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

(40) PROPERTY LINE GRADE. The elevation of the property line in front of a building measured at the center of such building shall be as established by the City. Where no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the "existing" property line grade.

(41) RESIDENCE. A building designed or used exclusively as permanent living quarters.

(42) SETBACK. The minimum horizontal distance between the front line of the building, including porches, and the street right-of-way line.

(43) SIGN. Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person when the same is displayed or placed out of doors in view of the general public and shall include every detached sign.

(44) SIGN, ADVERTISING (BILLBOARD). A sign which directs attention to a business, community service or entertainment. Only such signs as are related to the premises where they are located shall be permitted.

(45) SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered on the premises on which such sign is located.

(46) SIGN, FLASHING. An illuminated sign on which the artificial light is not maintained constant in intensity and color at all times in which such sign is in use.

(47) SIGN, NAMEPLATE. Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed or may be a directory listing the names, address and business or occupants.

(48) SIGN, GROSS AREA OF. The area of the sign shall be calculated by measuring the total surface area on a square footage basis. If letters or graphics are mounted without a frame, the gross area shall be the area bounded by straight lines 6" beyond the periphery of such letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. However, only one side of a double-faced sign shall be measured

in computing the gross area thereof.

(49) SIGN, ILLUMINATED. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

(50) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

(51) STORY, HALF. That portion of a building in the R-1, R-2 or R-3 residential districts, between the eaves and ridge lines of a pitched roof, which may or may not be used for tenant purposes.

(52) STREET. A public thoroughfare affording access to abutting property.

(53) STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof structure or exterior walls.

(54) STRUCTURE. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

(55) USE, PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses.

(56) YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

(57) YARD, FRONT. A yard extending across the full width of the lot and

lying between the front line of the lot and the nearest point of the principal building.

(58) YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest point of the principal building.

(59) YARD, SIDE. A yard extending from the front yard to the rear yard, extending between the side lot line and the nearest point of the principal building.

17.03 DISTRICTS. The City is divided into 9 zoning districts as follows:

- I-1 General Industrial District
- I-2 Limited Industrial District
- B-1 Fremont Commercial District
- B-2 Commercial Service District
- C-1 Conservancy District
- R-1 Residential District
- R-2 Residential District
- R-3 Multiple Residential District
- M-1 Mobile Home Park District

17.04 ZONING MAP. The boundaries of the zoning districts are shown upon the Official Zoning Map of the City on file in the office of the Administrator, and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if fully set forth or described herein.

17.05 INTERPRETATION OF DISTRICT BOUNDARIES. (1) STREET LINES. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.

(2) **LOT LINES.** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.

(3) **PARALLEL TO STREET LINES.** Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(4) **RAILROAD LINES.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of such railroad line.

(5) **RESOLVING QUESTIONS.** Questions concerning the exact location of district boundary lines shall be determined by the Plan Commission.

17.06 CONFORMITY WITH REGULATIONS REQUIRED. No building or land shall hereafter be used or occupied, and no building shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

17.07 HEIGHT, DENSITY, LOT AREA AND YARDS. No building shall hereafter be erected or altered:

- (1) To exceed the height;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of lot area; or
- (4) To have narrower or smaller rear yards, front yards, inner or outer

courts

than are specified herein for the district in which such building is located.

17.08 OCCUPANCY OF YARDS. No part of a yard or open space about any building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building. A one-story bay window may project not more than 3' beyond the front line of the building.

17.09 SUBSTANDARD LOTS. Any lot in a single ownership, which ownership was of record on May 18, 1965, that does not meet the requirements of this chapter for yards, courts or other areas of open space, may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth or open space are within 75% of that required by this chapter. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

17.10 FRONTAGE. Every building shall front upon a public street, which street shall have a minimum width of 60'.

17.11 VISIBILITY. No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection.

17.12 DWELLINGS IN NONRESIDENTIAL DISTRICTS. No dwelling shall be erected in the I-1 General Industrial District or I-2 Limited Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted.

17.13 FLOOR AREA. Homes constructed in the City of Kiel shall contain a minimum ground floor square feet of living space, exclusive of garages, breezeways, open porches or covered patios, as follows:

- (1) For a 1-story dwelling, 1200 square feet;

(2) For a split-level dwelling, 1 000 square feet on the ground floor;

(3) For a 2-story and 1 1/2-story dwelling, 900 square feet on the first floor and 600 square feet on the second floor.

(4) With respect to a 2-family residence, or duplex, there shall be a minimum of 900 square feet per dwelling unit. With respect to multi-family housing, there shall be a minimum of 700 square foot per dwelling unit. The 700 square foot per dwelling multi-family dwelling unit shall apply for any multiple family residence or residence converted to multiple family use, exclusive of basements, cellars and unfinished attics.

17.14 BUILDING GRADES. Any building requiring yard space shall be locate at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on a vacant lot between 2 existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not permit runoff of surface water to flow onto adjacent properties. Grades shall be approved by the Building Inspector.

17.15 MOVING BUILDINGS. (1) No building or structure which has been wholly or partially erected on any premises located either within or outside of this City shall be moved to and be placed upon any other premises in this City until a permit for such removal shall have been secured. Any such building or structure shall fully conform to all provisions of this chapter in the same manner as a new building or structure.

(2) Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and determine if it is in a safe condition to be moved, whether it may be conditioned to comply with the Building Code and

other City requirements for the use and occupancy for which it is to be used, and whether it will be of similar character with the buildings in the area where it is to be moved. In addition, the person applying for the permit for moving a building or structure shall provide the Building Inspector at the time of making application with an insurance binder indicating a minimum of \$1,000,000 per person and \$2,000,000 per incident liability insurance coverage or a performance bond in the said amounts. If these conditions can be complied with, a permit shall be issued for the moving of the building or structure.

17.16 EXCAVATIONS OR HOLES. The construction, maintenance or existence within the City of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute a danger or menace to the public health, safety or welfare, are hereby prohibited. However, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the Building Code where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector. Nor shall this section apply to lakes, streams or other natural bodies of water, or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of any government agency.

17.17 REMOVAL OF SOIL, SAND OR OTHER MATERIAL. The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district, except under a temporary certificate from the Building Inspector issued upon approval of the Plan Commission and on condition that such removal of soil will not be below the normal building grade as established from the nearest existing or proposed street when such building grade has been established and approved by the City's consulting engineer. A temporary certificate may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved

building or structure when such plans have been approved by the Building Inspector and a building permit has been issued and a contract let for such building development.

17.18 STORAGE, DUMPING OF WASTE, JUNK, GARBAGE, ETC. The use of land for the storage, collection or accumulation of used lumber and other used materials, or for the dumping, disposal or salvage of automobile scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except as specifically permitted in Section 17.24. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district, provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district.

17.19 BULK STORAGE OF GASOLINE PROHIBITED. Storage of gasoline in quantities of more than 10 gallons is prohibited in the R-1, R-2, R-3, C-1 and M-1 Districts, except gasoline contained in gas tanks of internal combustion engines and supply tanks connected to appliances used primarily for household needs. This section shall not prohibit the parking or driving of gasoline supply trucks in such districts.

17.20 APPROVAL OF PLATS. No proposed plat of a new subdivision shall hereafter be approved by either the City Council or the Plan Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter and unless such plat fully conforms with the Wisconsin Statutes and the ordinances of the City.

17.21 ESSENTIAL SERVICES. Essential services authorized under any franchise or regulated by any State law or City ordinance shall be permitted, it being the intention to exempt such essential services from the application of this chapter.

17.22 GENERAL INDUSTRIAL DISTRICT (I-1). (1) GENERAL. The intent and

purpose of establishing the I-1 General Industrial District is to provide for regulation of zoning for manufacturing and industrial operations which, because of their physical and operational characteristics, may be objectionable to non-residential, non-manufacturing businesses and to residences. It is further intended that the location of these uses be reviewed by the City Plan Commission to insure compatibility with adjacent land uses.

(2) SPECIFIC USES NOT PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used for purposes other than any of the following, which shall not be permitted in this District:

(a) Uses which are permitted in the R-1, R-2 and R-3 Residential Districts, in the B-1 Fremont Commercial District and B-2 Commercial Service District, in the M-1 Mobile Home District and in the C-1 Conservancy District.

(b) Acid manufacture.

(c) Cement, lime, gypsum or plaster of paris manufacture.

(d) Fireworks, explosive or match manufacture.

(e) Garbage, offal or dead animal reduction or dumping, except by the City or its agents.

(f) Glue manufacture, fat rendering or distillation of bones.

(g) Residences.

(h) Schools, hospitals, clinics and other institutions for human care.

(3) SPECIAL USES PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the following uses, subject to the provisions of this section and those of other applicable sections of the Zoning Code:

- (a) Any use permitted in the I-2 Limited Industrial District.
- (b) Brick, concrete products, tile or terra cotta manufacture.
- (c) Foundries and coke ovens.
- (d) Furniture manufacture.
- (e) Machinery and heavy equipment manufacture.
- (f) Paint, oil, shellac, turpentine or varnish manufacture.
- (g) Paper and pulp manufacture.
- (h) Milk and cheese processing and packing operations.
- (i) Rolling mill.
- (j) Sawmill.
- (k) Soaps and detergents manufacture.

(4) **CONDITIONAL USES PERMITTED.** The following uses, because of the danger of explosion or fire, excessive smoke, noise, odor, dust or vibration, health hazards or limitation of the use of abutting property, are permitted at approved locations as provided by special permit granted by the Common Council after review by the City Plan Commission. Prior to Plan Commission action all abutting or fronting property owners shall be notified in writing of the time and place where the Plan Commission will deliberate on the recommendation regarding the issuance of a special permit. In acting upon any application for a permitted use hereunder, the Plan Commission and the Common Council shall consider whether the requested use is reasonably necessary for the convenience and welfare of the public, is in harmony with the

character of the surrounding area, and will have a minimal or no effect on surrounding property values. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this District may be issued are:

- (a) Acetylene and other gas manufacture and storage.
- (b) Asphalt manufacturing or refining.
- (c) Automobile wrecking, dismantling and storage of motor vehicle parts.
- (d) Coal yards, including the processing of coal and coal products.
- (e) Drop forge industries.
- (f) Fertilizer manufacture and potash refining.
- (g) Incinerators, public or commercial.
- (h) Junk yard or shop for the storage, salvage, sale, handling, baling, reclaiming, or remaking of scrap iron or other metals, bottles, rags, rubber, or other second-hand materials.
- (i) Production, refining or bulk storage of petroleum or other inflammable liquids.
- (j) Rubber manufacture or treatment.
- (k) Smelting of tin, copper, zinc or iron ore.
- (l) Smelting or refining of salvaged metal.
- (m) Stock yards, slaughter houses, meat packing or processing.

(n) Stone mill or quarry, sand, gravel or crushed stone mining, washing, grading or manufacture.

(o) Tanning, curing or storage of raw hides.

(p) Vinegar manufacture.

(5) HEIGHT. No building or structure shall be erected to a height exceeding 5 stories or 60'.

(6) AREA. Not more than 40% of the area of the lot shall be covered by buildings or structures.

(7) YARDS. (a) Wherever the I-1 District abuts upon any other use district, every building or industrial use of the property in the I-1 district shall be set back from the property line of such other district a minimum of 50'.

(b) Each lot shall have a depth of not less than 50' per front yard, 8' per side yard and 25' per rear yard. On corner lots the side yard adjacent to the street shall be not less than 25'.

(8) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 50-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.23 LIMITED INDUSTRIAL DISTRICT (I-2). (1) GENERAL. The intent and purpose of the Limited Industrial District (I-2) is to provide for any manufacturing, industrial or commercial operations which, because of their actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors; and subject to such regulatory controls as will reasonably insure compatibility in this respect.

(2) SPECIFIC USES PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the following purposes, subject to the provisions of this section and other applicable sections of the Zoning Code, and provided that no residential use shall be permitted in this District.

(a) Any non-residential use permitted in the B-1 Fremont Commercial District and B-2 Commercial Service District.

(b) Artificial flower manufacture.

(c) Artificial limb manufacture.

(d) Bag cleaning.

(e) Bakery.

(f) Billboard.

(g) Blacksmith.

(h) Box manufacture--wood, paper, fiberboard or sheet metal.

(i) Broom manufacture.

(j) Brush--wire or bristle--manufacture.

(k) Carpet and rug cleaning or manufacture.

(l) Clothing manufacture, including gloves.

(m) Coffin and grave vault manufacture.

(n) Construction materials and equipment sales.

- (o) Cosmetics, shampoos or barber supplies manufacture.
- (p) Dying and shrinking of fabrics.
- (q) Electric sign manufacture.
- (r) Enameling and painting, except fire-glazed enameling.
- (s) Engraving.
- (t) Envelope manufacture.
- (u) Express depot or distribution station.
- (v) Food processing or manufacture, but not including the slaughter of animals.
- (w) Furniture (household, office or store) manufacture or supply.
- (x) Furniture polish and floor wax manufacture.
- (y) Garage for storage, sale, service or repair of automobiles, trucks, tractors and accessory equipment.
- (z) Glass, storage, cutting and distribution.
- (aa) Grain elevator, cleaning, grading and storage of grain.
- (ab) Gymnasium equipment, playground apparatus and athletic goods manufacture.
- (ac) Heating, ventilating, ducts, flues and piping fabrication, repair and cleaning.

- (ad) Hosiery manufacture.
- (ae) House moving establishment.
- (af) Ice manufacture and/or storage.
- (ag) Ironwork--ornamental, hand-forged, but not structural.
- (ah) Knitting mill.
- (ai) Laboratory, testing or manufacturing.
- (aj) Laundry.
- (ak) Machine shop, not using heavy punch press or drop forge.
- (al) Mirror manufacture and resilvering.
- (am) Mover of household goods.
- (an) Musical instrument manufacture.
- (ao) Optical goods manufacture.
- (ap) Paint shop.
- (aq) Paper products manufacture.
- (ar) Pattern shop.
- (as) Phonograph and radio manufacture.
- (at) Plating by electrochemical process.

- (au) Plumbing fixture storage and distribution.
- (av) Printing.
- (aw) Rag cleaning and wiper cloth manufacture.
- (ax) Rug and carpet cleaning.
- (ay) Sail and canvas goods manufacture.
- (az) Scientific instrument and laboratory apparatus manufacture.
- (ba) Secondhand wearing apparel, household equipment, store fixtures and office furniture storage, reconditioning and sale. Junk shops not included.
- (bb) Seed cleaning, packaging, storage and sale.
- (bc) Sheet metal fabrication.
- (bd) Shoe manufacture.
- (be) Soda water and soft drink manufacture, bottling and distribution.
- (bf) Sporting goods manufacturing.
- (bg) Stonecutting of monuments, headstones or statuary, but not building stone or architectural trim.
- (bh) Storage warehouse.
- (bi) Store fixture and equipment manufacture.
- (bj) Substation for electric power and light.

- (bk) Tinsmith shop.
- (bl) Tobacco and tobacco products manufacture.
- (bm) Tractor and tractor accessory sale, service and repair.
- (bn) Trucking, distribution and load assembly depot.
- (bo) Upholstery supplies manufacture and wholesale.
- (bp) Wallpaper manufacture.
- (bq) Watch or clock manufacture.
- (br) Weaving of textiles.
- (bs) Window shade or curtain manufacture.
- (bt) Wire brush manufacture.
- (bu) Woodworking, carpentry and cabinet shops.

(3) **CONDITIONAL USES PERMITTED.** The following uses are permitted after review of the City Plan Commission and approval of the Common Council following a written notification to owners of all abutting and fronting properties and providing there is compliance with the area and height regulations of the I-2 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Council shall consider whether the requested use is reasonably necessary for the convenience and welfare of the public, is in harmony with the character of the surrounding area, and will have a minimal or no effect on surrounding property values. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for

which a special permit in this district may be issued are:

(a) Kennels.

(b) Storage in bulk of chemicals used in a production process, and of petroleum-based products, provided the storage premises are enclosed by a wall or type of fence of sturdy construction and uniform color, or an evergreen hedge of not less than 6' in height, to completely sight screen said storage.

(c) Other uses not specifically listed above but which are similar to the above permitted uses.

(4) HEIGHT. No building or structure shall be erected to a height exceeding 5 stories or 60'.

(5) AREA. Not more than 40% of the area of the lot shall be covered by buildings or structures.

(6) YARDS. (a) Wherever the I-2 District abuts upon any other use district, every building or industrial use of the property in the I-2 District shall be set back from the property line of such other district a minimum of 50'.

(b) Each lot shall have a depth of not less than 25' per front yard, 8' per side yard and 25' per rear yard. On corner lots the side yard adjacent to the street shall be not less than 25'.

(7) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.24 FREMONT COMMERCIAL DISTRICT (B-1). (1) GENERAL. The Fremont Commercial District is distinguished in the present Zoning Code by virtue of its being a long-existing and developed commercial district, where yard setback and other similar requirements are in many cases not met by buildings

and structures which have existed in this district for many years, and the change in which would not now be reasonably feasible.

(2) SPECIFIC USES PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the following purposes:

(a) All uses permitted in the Multiple Residential (R-3) District, except those uses permitted in the R-3 District which are also permitted in the R-2 District.

(b) Stores and shops for the conducting of any retail business.

(c) Banks, offices, studios, theaters, restaurants, taverns, bowling alleys, hotels, motels and similar community services.

(d) Railway or bus passenger stations, telegraph or express offices.

(e) Garages, filling stations and convenience stores.

(f) Funeral parlors and mortuaries.

(g) Newspapers offices and printing plants.

(h) Plumbers and plumbing shops.

(i) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, water and sewage pumping stations.

(j) Meeting places of lodges, clubs and organizations.

(k) Buildings and uses accessory to the specific uses permitted shall also be permitted.

(3) **CONDITIONAL USES PERMITTED.** The following uses are permitted after review of the City Plan Commission and approval of the Common Council following written notification of the owners of all abutting and fronting properties and providing there is compliance with the area and height regulations of the B-1 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Council shall consider whether the requested use is reasonably necessary for the convenience and welfare of the public, is in harmony with the character of the surrounding area, and will have a minimal or no effect on surrounding property values. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

(a) Automobile showrooms and outdoor sales lots, after approval of the site plan by the Plan Commission.

(b) Light industrial assembly operations, with said operations only to be permitted on a temporary basis by conditional use permit for a limited term to be determined by the City Council on a case-by-case basis after reviewing a recommendation thereon from the Plan Commission. Factors to be taken into account by the Plan Commission and the City Council in approving or disapproving each light industrial assembly operation permit shall include the following:

1. The length of time for which the assembly operations are proposed to be conducted on the property in the B-1 district;

2. The probable effects of the proposed assembly operations upon neighboring properties, including estimated effect on property values;

3. The numbers of people proposed to be employed in the assembly operations and the probable extent of traffic created by said operations; and

4. The industrial wastes or noise produced in the assembly

operations and the probable effect upon the environment of said assembly operations.

(c) Child day care centers.

(4) HEIGHT. No building or structure shall be erected or structurally altered to exceed a height of 2 stories or 30'.

(5) YARDS. No front or side yards shall be required, except that when a building or group of buildings abuts a residential district, a side yard shall be provided on the side of the lot abutting the residential district, and such yard shall have a width of not less than 25'. There shall be a rear yard with a depth of not less than 25% of the depth of the lot, except that the depth of the rear yard need not be greater than 25'. The rear yard may be used for off street parking and unloading as provided by Section 17.31.

17.25 COMMERCIAL SERVICE DISTRICT (B-2). (1) GENERAL. This district is intended to be governed by standards established by the Plan Commission and the Common Council to provide for the best development and most functional commercial service district, taking into account that the Fremont Commercial District in many respects cannot reasonably feasibly be altered from its current status, but the purpose of the present regulations for this district are that the best possible standards be recognized for other commercial districts in the City. This district is intended to accommodate the heavy service industries at locations directly accessible to the City's arterial and transportation systems where they can conveniently serve the business and industrial areas of the City.

(2) SPECIFIC USES PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the following uses, subject to the provisions of this section and other applicable sections of the Zoning Code:

(a) All uses permitted in the Multiple Residential (R-3) District, except those uses permitted in the R-3 District which are also permitted in the R-2

District.

- (b) Stores and shops for the conducting of any retail business.
- (c) Banks, offices, studios, theaters, restaurants, taverns, bowling alleys, hotels, motels and similar community services.
- (d) Railway or bus passenger stations, telegraph or express offices.
- (e) Garages, filling stations or convenience stores.
- (f) Funeral parlors and mortuaries.
- (g) Newspaper offices and printing plants.
- (h) Plumbers and plumbing shops.
- (i) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, water and sewage pumping stations.
- (j) Meeting places of lodges, clubs and organizations.
- (k) Mini-warehouses.
- (l) Buildings and uses accessory to the specific uses permitted shall also be permitted.

(3) **CONDITIONAL USES PERMITTED.** The following uses are permitted after review of the City Plan Commission and approval of the Common Council following a written notification to owners of all abutting and fronting properties and providing there is compliance with the area and height regulations of the B-2 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Council shall consider whether the requested use is reasonably necessary for the convenience and welfare of the

public, is in harmony with the character of the surrounding area, and will have a minimal or no effect on surrounding property values. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

(a) Automobile show rooms and outdoor used automobile sales lots, after approval of the site plan by the Plan Commission.

(b) Other uses not specifically listed above but which are similar to the above permitted uses.

(c) Child day care centers.

(4) HEIGHT. No building or structure shall be erected or structurally altered to exceed a height of 2 stories or 30'.

(5) YARDS. (a) No building shall be less than 50' distant from the boundary line of any residential district.

(b) Each lot shall have a depth of not less than 25' per front yard, 8' per side yard and 25' per rear yard. On corner lots the side yard adjacent to the street shall be not less than 25'.

(6) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.26 CONSERVANCY DISTRICT (C-1). (1) GENERAL. The intent and purpose of establishing the Conservancy (C-1) District is to provide for certain open land uses, to preserve natural water courses, to prevent premature and uneconomical subdivision and development of land and to provide a reserve of land for the future orderly development of the City.

(2) SPECIFIC USES PERMITTED. Land shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the following purposes, subject to the provisions of this section and other applicable sections of the Zoning Code:

- (a) Churches.
- (b) Cemeteries.
- (c) Schools--public, private, or parochial.
- (d) Hospitals, other than animal hospitals.
- (e) Parks, parkways and other recreational uses.
- (f) Fraternal organizations.
- (g) Public buildings.

(3) CONDITIONAL USES PERMITTED. The following uses are permitted, after review of the City Plan Commission and approval of the Common Council, following written notification of the owners of all abutting and fronting properties and provided there is compliance with the area and height regulations of the C-1 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Common Council shall consider whether the proposed use or structure is in accordance with the purpose and intent of this Chapter and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of neighborhood or community. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

- (a) Non-animal farming.

(4) HEIGHT. No building or structure shall be erected to a height exceeding 5 stories or 60’.

(5) AREA. Each lot area shall have a minimum area of one acre and a minimum average width of 120’.

(6) YARDS. (a) No building shall be less than 50’ distant from the boundary line of any residential district.

(b) Each lot shall have a depth of not less than 25’ per front yard, 8’ per side yard and 25’ per rear yard.

(c) On corner lots the side yard adjacent to the street shall be not less than 25’.

(7) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

(8) SIDEWALKS. The City Council may determine that sidewalks shall not be required in all or part of a Conservancy District in accordance with Section 8.02(2)(d).

17.27 RESIDENTIAL DISTRICT (R-1). (1) SPECIFIC USES PERMITTED. Land shall be used and buildings and structures shall be erected, altered, enlarged or used only for one or more of the following purposes, subject to the provisions of this section and other applicable sections of the Zoning Code:

(a) Single family dwellings, accessory buildings and uses.

(b) Churches and public, private or parochial schools.

(c) Public parks, playgrounds and recreation areas.

(d) Public buildings and public utility buildings subject to the approval of the Plan Commission.

(e) Railroad rights-of-way not including yards.

(f) Swimming pools, private.

(g) Temporary real estate signs, not to exceed 25 square feet in area.

(h) Home occupations.

(i) Family day care homes.

(j) Community living arrangements, as defined in Section 62.23(7)(i), Wis. Stats.

(2) **CONDITIONAL USES PERMITTED.** The following uses are permitted, after review of the City Plan Commission, and approval of the Common Council, following written notification of the owners of all abutting and fronting properties and provided there is compliance with the area and height regulations of the R-1 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Common Council shall consider whether the proposed use or structure is in accordance with the purpose and intent of this Chapter and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of neighborhood or community. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

(a) Bed and breakfast establishments meeting all State statutory and local ordinance requirements.

(b) Professional offices.

(c) Funeral parlors and mortuaries.

(d) Child day care centers.

(e) Wellness and fitness center.

(3) HEIGHT. No dwelling shall be erected or structurally altered to exceed a height of 35' or 2 1/2 stories.

(4) LOT COVERAGE. The ground area occupied by the principal and accessory buildings shall not exceed 40% of the total area of the lot. In determining lot size requirements under this subsection, the footprint of the principal building and accessory building shall be used.

(5) LOT AREA. Each lot shall have a minimum area of 9,000 square feet and a minimum width of 90', except where a lot is smaller in area or width but was a lot of record on May 18, 1965, such lot may be occupied by a single family dwelling, provided the lot is not less than 5,400 square feet in area; and excepting that where a lot was smaller in area than 7,200 square feet, or less than 90' in width, but was a lot of record on April 17, 2001, such lot may be occupied by a single family dwelling provided the lot is not less than 7,200 square feet in area.

(6) FRONT YARD. There shall be a front yard of not less than 25'.

(7) REAR YARD. There shall be a rear yard of not less than 25' in depth.

(8) SIDE YARDS. Each lot shall have 2 side yards not less than 8' each. On corner lots the side yard adjacent to the street shall be not less than 25'.

(9) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.28 RESIDENTIAL DISTRICT (R-2). (1) SPECIFIC USES PERMITTED. Land shall be used and buildings and structures shall be erected, altered, enlarged or used only for one or more of the following purposes, subject to the provisions of this section and other applicable sections of the Zoning Code:

- (a) Any use permitted in the R-1 Residential District.
- (b) Two family dwellings, accessory buildings and uses.

(2) CONDITIONAL USES PERMITTED. The following uses are permitted, after review of the City Plan Commission and approval of the Common Council, following written notification of the owners of all abutting and fronting properties and provided there is compliance with the area and height regulations of the R-2 District indicated below. In acting upon any application for a permitted use hereunder, the Plan Commission and Common Council shall consider whether the proposed use or structure is in accordance with the purpose and intent of this Chapter and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of neighborhood or community. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

- (a) Rooming and boarding houses.
- (b) Bed and breakfast establishments meeting all state statutory and local ordinance requirements.
- (c) Professional offices.
- (d) Funeral parlors and mortuaries.
- (e) Child day care centers.
- (f) Wellness and fitness center.

(3) HEIGHT. No dwelling shall be erected or structurally altered to exceed a height of 35' or 2 1/2 stories.

(4) LOT COVERAGE. The ground area occupied by the principal and accessory buildings shall not exceed 40% of the total area of the lot. In determining lot size requirements under this subsection, the footprint of the principal building and accessory building shall be used.

(5) LOT AREA. Each lot shall have a minimum area of 9,000 square feet, and a minimum width of 90', and a minimum lot area per dwelling for a 2-family dwelling of 4,500 square feet except where a lot is smaller in area or width but was a lot of record on May 18, 1965, such lot may be occupied by a single family dwelling, provided the lot is not less than 5,400 square feet in area; and excepting that where a lot was smaller in area than 7,200 square feet, or less than 90' in width, but was a lot of record on April 17, 2001, such lot may be occupied by a single family dwelling provided the lot is not less than 7,200 square feet in area.

(6) FRONT YARD. There shall be a front yard of not less than 25'.

(7) REAR YARD. There shall be a rear yard of not less than 25' in depth.

(8) SIDE YARDS. Each lot shall have 2 side yards not less than 8' each. On corner lots the side yard adjacent to the street shall be not less than 25'.

(9) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.29 MULTIPLE RESIDENTIAL DISTRICT (R-3). (1) SPECIFIC USES PERMITTED. Land shall be used and buildings and structures shall be erected, altered, enlarged or used only for one or more of the following uses, subject to the provisions of this section and other applicable sections of the Zoning Code:

- (a) Any use permitted in the R-2 Residential District.
- (b) Multiple family dwellings, accessory buildings and uses.

(2) **CONDITIONAL USES PERMITTED.** The following uses are permitted, after review of the City Plan Commission, and approval of the Common Council, following written notification of the owners of all abutting and fronting properties. In acting upon any application for a permitted use hereunder, the Plan Commission and Common Council shall consider whether the proposed use or structure is in accordance with the purpose and intent of this Chapter and will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of neighborhood or community. The Common Council may attach conditions to a special permit granted hereunder in order to assure that the requested use will remain in conformity with these standards. The uses for which a special permit in this district may be issued are:

- (a) Nursing homes and homes for the elderly.
- (b) Hospitals.
- (c) Private clubs.
- (d) Planned Unit Developments (PUD's).
- (e) Child day care centers.
- (f) Wellness and fitness center.

(3) **HEIGHT.** No dwelling shall be erected or structurally altered to exceed a height of 35' or 2 1/2 stories.

(4) **LOT COVERAGE.** The ground area occupied by the principal and accessory buildings shall not exceed 50% of the total area of the lot. In

determining lot size requirements under this subsection, the footprint of the principal building and accessory building shall be used.

(5) LOT AREA. Each lot shall have a minimum area of 9,900 square feet, a minimum width of 90' and a minimum lot area per dwelling for a 2-family dwelling of 4,500 square feet and for a 3-family dwelling of 3,000 square feet; except where a lot was smaller in area or width but was a lot of record on May 18, 1965, such lot may be occupied by a single family dwelling provided that the lot is not less than 5,400 square feet in area; and excepting that where a lot was smaller in area than 7,200 square feet, or less than 90' in width, but was a lot of record on April 17, 2001, such lot may be occupied by a single family dwelling provided the lot is not less than 7,200 square feet in area.

(6) FRONT YARD. There shall be a front yard of not less than 25'.

(7) REAR YARD. There shall be a rear yard of not less than 25' in depth.

(8) SIDE YARDS. Each lot shall have 2 side yards not less than 8' each. On corner lots the side yard adjacent to the street shall be not less than 25'.

(9) CUL DE SACS. With respect to lot size for cul de sacs, the lot must be a minimum of 90 feet in width at the 25-foot front yard setback line; at the street line the minimum width must be 60 feet.

17.30 MOBILE HOME PARK DISTRICT (M-1). See Section 12.04(6) of this Municipal Code.

17.31 OFF STREET PARKING AND LOADING. (1) SURFACING AND DRAINAGE. Off street parking and loading areas shall be improved with a bituminous or equally durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area by use of catch basins and storm sewers. No surface water shall be discharged onto adjoining property. These requirements shall also apply to open sales lots for cars, trucks and other equipment.

(2) LOCATION. All accessory off street parking facilities required herein shall be located as follows:

(a) Spaces accessory to one and 2 family dwellings on same lot as the principal use served.

(b) Spaces accessory to multiple family dwellings on the same lot as the principal use served or within 250' of the main entrance to the principal building served.

(c) Spaces accessory to uses located in a business or industrial district, within 800' of an entrance to the principal building served.

(d) There shall be no off street parking space within 5' of any street right-of-way in business and industrial districts.

(e) There shall be no off street parking space in the front yards in residential districts.

(f) No off street parking area containing more than 4 parking spaces shall be located closer than 15' from an adjacent lot zoned for residential purposes.

(3) DETERMINATION OF AREAS. The design of off street parking areas shall conform to the standards as set forth in the publication, Parking Guide for Cities, U.S. Department of Commerce, Bureau of Public Roads (latest edition).

(4) TRUCK PARKING IN RESIDENTIAL AREAS. No motor vehicle over 2-1/2 ton rated capacity bearing a commercial licensed trailer shall be parked or stored in a platted residential district except when loading, unloading or rendering a service.

(5) SIGNS. Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this

chapter.

(6) **LIGHTING.** Lighting used to illuminate off street parking shall have no direct source of light visible from a street or adjacent land.

(7) **REQUIRED PARKING SPACES.** The off street parking requirements listed below are the minimum required under this section. These requirements do not guarantee the owner or operator that the number of spaces will be adequate for operation of the facility.

(a) Single Family Dwellings. One space per lot.

(b) Multiple Dwellings. 1 1/2 spaces per dwelling unit.

(c) Motels or Hotels. At least one parking space for each guest room or unit provided in the design of the building, plus one for each employee, plus spaces as required for supplemental uses such as bars, ballrooms or nightclub facilities.

(d) Schools. At least one parking space for each 7 students based on design capacity, plus one for each 3 classrooms.

(e) Churches, Auditoriums, Funeral Homes. At least one parking space for each 3 1/2 seats based on the design capacity of the main assembly hall.

(f) Theaters, Athletic Fields. At least one parking space for 6 seats of design capacity.

(g) Community Center, Post Office, YMCA, YWCA, Physical or Cultural Studios, Pool Halls, Libraries, Private Clubs, Lodges, Health Clubs, or Museums. Ten spaces plus one for each 300 square feet of floor area in excess of 2,000 square feet of floor area in the principal structure.

(h) Hospitals. At least one parking space for each 3 hospital beds.

- (i) Golf Courses, Country Clubs, Tennis Clubs, Public Swimming Pools. Twenty spaces plus one for each 300 square feet in excess of 1,000 square feet of floor space in the principal structure, plus spaces as required for supplemental uses such as bars, ballrooms or nightclub facilities.
- (j) Day Nurseries. Four spaces plus one for each 500 square feet in excess of 1,000 square feet of floor space in the principal structure.
- (k) Office Buildings and Professional Offices. At least one parking space for each 300 square feet of floor area.
- (l) Drive-in Establishments. At least one parking space for each 15 square feet of floor area in the building.
- (m) Bowling Alleys. At least 5 parking spaces for each alley.
- (n) Motor Fuel Stations and Motor Fuel Station Convenience Stores. A minimum of 4 outside parking spaces plus 3 additional outside parking spaces for each enclosed service stall shall be provided. One additional outside parking space shall be provided for each 200 square feet of floor space devoted to retail sales in a motor fuel station convenience store.
- (o) Retail Sales and Service Establishments. At least one off-street parking space for each 200 square feet of new floor area.
- (p) Restaurants, Cafes, Bars, Taverns, Nightclubs. At least one parking space for each 80 square feet of public floor area or one space for each 4 customer seats within the building, whichever produces more spaces.
- (q) Furniture Stores, Appliance Stores, Warehouses Under 15,000 Square Feet of Floor Area, Auto Sales, Grain Houses, Kennels and Studios. At least one parking space for each 500 square feet or fraction thereof.

(r) Auto Repair Facilities–Major, Bus Terminals, Taxi Terminals, Boat and Marine Sales, Bottling Companies, Shops for Trade Employing Six People or Less, Garden Supply Stores, Building Material Sales. At least 8 off–street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet

(s) Skating Rinks, Dance Halls, Public Auction Houses, Golf Driving Ranges, Miniature Golf Courses, Trampoline Centers and Similar Uses. At least 15 off–street parking spaces, plus one additional space for each 200 square feet of floor area over 2,000 square feet

(t) Facilities for Manufacturing, Fabrication or Processing of a Product or Material. At least 4 off–street parking spaces, plus one additional space for each 800 square feet of building. One additional off–street parking space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage, plus additional space as shall be required for customers and users in the conduct of the enterprise.

(u) Warehouses Over 15,000 Square Feet of Floor Area, Facilities for Storage and Handling of Bulk Goods. At least one off–street parking space for each 2 employees, plus additional customer space as deemed necessary for operation.

(v) Uses not Specifically Noted Above, Including Public Uses. Parking space requirements shall be determined by the City Council upon advice from the Plan Commission.

(8) OFF–STREET LOADING. The regulations and requirements set forth in this section shall apply to the required and nonrequired loading and unloading facilities in all districts. If, in the application of the requirements of this section, a fractional number is obtained, one loading space shall be provided for a fraction of 1/2 or more and no loading space shall be required for a fraction of less than 1/2.

17.32 ACCESSORY USES AND STRUCTURES. [#412 2/10/98] (1) An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

(2) Accessory structures in R-1, R-2 and R-3 districts are subject to the following regulations:

(a) Residences With Attached Garages:

1. One (1) attached garage per dwelling unit shall be permitted, and the measurement of said garage shall be as follows:

a) The maximum square feet of floor area shall be limited to the smaller of one thousand two hundred (1200) square feet or the first floor dwelling unit area in the case of a single family residence.

b) The maximum square feet of floor area shall be limited to the smaller of six hundred (600) square feet or the first floor dwelling unit area in the case of a duplex or 2-family dwelling or multi-family dwelling.

c) Minimum yards shall be the same size as that required for the principal structure.

2. One (1) detached accessory structure per dwelling unit shall be permitted, provided the combined area of the attached garage and accessory structure does not exceed the maximum limits set forth in Subsection 1 hereinabove, and complies with the location and height regulations for detached garages as provided hereinbelow, except where subdivision covenants provide otherwise.

(b) Residences With Detached Garages.

1. One (1) detached garage per lot shall be permitted, with the following size limitations:

a) The maximum square feet of floor area shall be limited to the smaller of one thousand two hundred (1200) square feet, the first floor dwelling unit area of the principal structure, or thirty-five percent (35%) of the rear yard.

b) When located to the rear of the principal dwelling unit, the structure shall be a minimum of three (3) feet from the rear and side lot lines; if located in a side yard, the structure shall be a minimum of eight (8) feet from the side property line. In either event, the structure shall be a minimum of eight (8) feet from the dwelling unit, and shall not be located in a required front or street side yard for a corner lot.

c) A detached garage shall have a maximum height of fifteen (15) feet or the height of the principal building.

2. One (1) additional accessory structure per lot shall be permitted, provided the combined floor area of the two detached structures shall not exceed the area permitted for a detached garage as set forth in this Subsection, and provided it complies with all applicable height and location requirements for detached garages.

(3) No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.

(4) No basement, tent, trailer or accessory building shall at any time be used as an occupied dwelling.

(5) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered or moved within 8' of the principal building.

(6) When accessory buildings are attached to the principal building by a

breezeway, passageway or similar means, they become part of the principal building and shall comply in all respects with the yard requirements and local Building Code of the principal building.

(7) The minimum yard requirements also apply to accessory buildings. However, where the rear lot abuts an alley, accessory buildings not attached to the principal building shall be located so as to be not closer than 6' to the rear lot line.

17.33 SIGNS. [#411 1/27/98] Signs are a permitted use in all districts, subject to the following regulations:

(1) The following general rules for placement, appearance, and size shall be followed: (a) No sign shall be created within the City until a permit therefor shall first have been obtained by the owner or his authorized agent from the Building Inspector. Applications shall be made in writing upon a form furnished by the Building Inspector. There shall be no sign permit fee charged, unless the sign has a cost exceeding \$200. If the cost does exceed \$200, the permit fee shall be as provided for building permits.

(b) All signs put up hereafter shall be reasonably attractive and the judge of the attractiveness of such signs shall be the City Building Inspector. If the Building Inspector adjudges a sign not to be reasonably attractive, he shall deny a permit for the installation of such sign.

(c) The area of the sign shall be calculated by measuring the total surface area on a square footage basis. If letters or graphics are mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending 6 inches beyond the periphery around such letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. Symbols, flags, pictures, wording, figures or other forms of graphics which are painted on or attached to windows, walls, awnings, or freestanding structures, or which are suspended by balloons or kites or on persons, animals or vehicles, shall be

considered to be signs.

(d) Symbols, statues, sculptures and integrated architectural features on nonresidential buildings may be illuminated by floodlights, provided the direct source of the light is not visible from the public right-of-way or adjacent residential district.

(e) Signs or clocks attached to a building shall project not more than 6 feet from the face of such building and not extend below a height 10 feet above the sidewalk, street or alley.

(f) No banner shall be displayed on a public or private building within the City, for more than ninety (90) days in any one-year period; the word "banner" shall mean a piece of cloth, plastic, or paper attached by the edge, originally on a side, to a pole or staff, or directly to a building, and used to advertise an event or occurrence, or any commercial subject.

(2) Real estate sales signs shall comply with the following requirements:

(a) For the purpose of selling, renting or leasing property, a sign not in excess of 25 square feet per surface may be placed within the front yard of such property to be sold or leased. Such signs shall not be placed in the right-of-way of an abutting street.

(b) For the purpose of selling or promoting a residential project of 6 or more dwelling units, a commercial area of 3 acres or more or an industrial area of 10 acres or more, one sign not to exceed 100 square feet of advertising surface may be erected upon the project site. Such sign shall not remain after 90% of the project is developed.

(3) The following signs shall be prohibited with the City:

(a) Private signs are prohibited within the public right-of-way or easements, except that the City Council may grant a conditional use permit to

locate signs and decorations on or within the right-of-way for a specified time not to exceed 60 days.

(b) Illuminated signs or devices giving off an intermittent steady or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.

(c) There shall be no flashing or revolving sign in the front setback area or within 125 feet of a street intersection.

(d) No sign shall be permitted which, by reason of position, size, shape, form or color, would resemble, imitate or approximate, or interfere in any way with the proper functioning or purposes of, a traffic or railroad sign, signal or device or impede visibility to motor vehicle traffic.

(e) There shall be no use of revolving beacons, beamed lights or similar devices that would so distract automobile traffic as to constitute a safety hazard.

(f) Signs shall not be painted directly on the outside wall of a building or a trailer or other vehicle used just for display purposes. Signs shall not be painted on a fence, rock or similar structure or feature in any district. Paper and similar signs shall not be attached directly to a building wall by an adhesive or similar means.

(g) Signs which advertise goods, products or facilities or services not conducted or sold on the premises where the sign is located or which direct persons to a different location from where the sign is located are not allowed in the City of Kiel. This prohibition includes changeable commercial signs commonly known as "billboards".

(h) No person shall park any vehicle or trailer on a public right-of-way or public property or private road so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement or directing people to a business

activity located on the same or nearby property or any other premises.

1. This subsection shall not prohibit a “For Sale” sign on a vehicle for sale provided the vehicle is not parked on a public right-of-way.

(i) All free standing signs out-of-doors for advertising cigarettes or other tobacco products within 500 feet of any school, playground, public park, public library, church, or other place where minors may congregate.

(j) All free standing signs out-of-doors for advertising alcohol beverages, within 500 feet of any school, playground, public park, public library, church, or other place where minors may congregate.

(4) No advertising sign shall be permitted within seventy-five (75) feet of any residential district boundary line unless said sign is completely screened from said residential district by a building, solid fence, or an evergreen planting, which planting shall be not more than two (2) feet shorter than the height of the sign at the time said evergreens are planted; said evergreens shall be spaced not more than one-half (1/2) the height of the tree for regular varieties and one-third (1/3) the height of the tree for columnar varieties of trees; said evergreen planting shall be continuously maintained.

(5) Construction and maintenance regulations for signs shall be the following:

(a) All signs shall be properly secured, supported and braced and shall be kept in reasonably good structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(b) No sign shall be erected so that any portion of the sign or its supports attach to or interfere with the free use of any fire escape, exit, any required

stairway, door, ventilator or window; and no sign shall be erected that will interfere with, obstruct, confuse, or mislead traffic.

(c) All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City.

(6) Violations for dangerous and abandoned signs shall be the following:

(a) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may cause the sign to be removed at the cost of the owner, following reasonable written advance notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.

(b) Any sign which was erected before the adoption of this sign ordinance shall not be rebuilt or relocated without conforming to all of the requirements of this ordinance.

(c) All signs constructed or maintained in violation of any of the provisions of this Ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this chapter, the Common Council or Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

(7) Election signs are permitted on private property in any district, provided such signs are removed within thirty (30) days following the elections related to the sign.

(8) SIGNS IN RESIDENTIAL (R) DISTRICTS. Within the "R" districts, the

following signs are permitted, subject to the following regulations:

(a) In the R-1 and R-2 districts, one nameplate sign shall be permitted for each dwelling, and such sign shall not exceed 4 square feet in area per surface; if the sign identifies a permitted home occupation, not more than 50% of its surface area shall be devoted to said home occupation; and such sign shall be so constructed as to have not more than 2 surfaces for advertising purposes.

(b) Illuminated flashing signs shall not be permitted within the "R" districts.

(c) No election signs shall be permitted in any "R" district sooner than six (6) months preceding the election relating to the sign.

(d) In R-3 districts, one nameplate sign of 2 square feet per unit shall be permitted for each dwelling group up to a maximum of 12 square feet and such sign shall be so constructed as to have not more than 2 surfaces for advertising purposes.

(9) SIGNS IN COMMERCIAL (B) DISTRICTS. Within the "B" districts, nameplate and business signs are permitted subject to the following regulations:

(a) The aggregate square footage of sign space per lot shall not exceed the sum of 3 square feet for each front foot of building.

(b) No individual sign shall exceed 200 square feet in area per surface.

(10) SIGNS IN INDUSTRIAL (I) DISTRICTS. Within the "I" districts, nameplate, business and advertising signs shall be permitted subject to the following regulations:

(a) The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building, plus one square foot per front foot of property not occupied by a building.

(b) No individual sign surface shall exceed 250 square feet of surface and shall be counted toward square footage permitted.

(11) SIGNS IN CONSERVANCY (C) DISTRICTS. Within the “C” districts, nameplate signs are permitted subject to the following regulations:

(a) One nameplate shall be permitted for each public building for identification purposes, for each park for identification purposes, or for community services. Such sign shall not exceed the sum of 3 square feet for each front foot of building it is identifying. No individual sign shall exceed 200 square feet in area per surface.

(12) Variances or exceptions to these sign regulations may be granted by the Board of Appeals.

(13) The following rules shall apply to nonconforming signs.

(a) Any sign located within the City limits on the date of adoption of this chapter or located in an area annexed to the City of Kiel hereafter which does not conform with the provisions of this chapter shall be classified as a legal nonconforming sign and shall be permitted, provided it also meets the following requirements:

(1) The sign was covered by a proper sign or building permit prior to the date of adoption of this ordinance.

(2) If no permit was required under the applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this ordinance.

(b) A sign loses its nonconforming status if one or more of the following listed events occurs. The sign shall be immediately brought into compliance with this ordinance or shall be removed on the date of occurrence of any of the said events, which are the following:

1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or does make the sign less in compliance with requirements of this ordinance than it was before alteration;

2. The sign is relocated;

3. The sign fails to conform to the City's requirements regarding maintenance and repair, abandonment or dangerous or defective signs.

(c) Nothing in this ordinance shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs.

(14) A violation of any of the provisions of this chapter shall be enforced by the Building Inspector. The penalty for any violation shall be as set forth in Section 25.04 of the Kiel Code of Ordinances.

17.34 PATIO SLABS, DRIVEWAYS AND SIDEWALKS. Patio slabs, driveways and sidewalks on a lot may be extended to 1' from the lot line. All driveway entrances and street sidewalks shall be constructed in accordance with the specifications prescribed by the Director of Public Works under Chapter 8 of this Municipal Code.

17.35 REGULATION OF DELIVERY BOXES. (1) **BOX LIMITATIONS.** Any property owner in a residential area of the City may erect one post and not more than two boxes thereupon for the purpose of receiving mail, newspapers, shoppers and flyers. Any box that is set up to receive mail from the United States Postal Service shall meet the requirements established by the Postal Service for such boxes. In areas where there is delivery by the Postal Service through direct delivery by non-motorized mail carriers, the said delivery box must be located on the property owned by the resident. It need not be mounted on a post. In no case shall there be more than two delivery boxes, one to receive mail from the United

States Postal Service and the other to receive newspapers, shoppers, flyers and other similar types of publications. Where there is motorized mail delivery, these said boxes shall be mounted on a single support post. Boxes for mail delivery shall be located on the same side of the road as the direction of the mail carrier's line of travel, except that either side is permissible on one-way streets. Boxes for mail delivery shall be located on the far side of the driveway in relation to the direction of the mail carrier's line of travel.

(2) **EXCEPTIONS.** Exceptions to the above requirements for the placement of mailboxes and other delivery boxes may be granted by the Director of Public Works in circumstances where in his opinion literal compliance with the above requirements would create a hardship to the property owner or a safety hazard or interfere with drainage. In no case shall the City be responsible for damage to any box or supporting post, other than cases in which negligence of City officers, employees or agents causes said damage.

(3) **CHANGE IN LOCATION OR CONSTRUCTION.** The Director of Public Works may order a change in the location or manner of construction of any mailbox or other delivery box or supporting post which is installed in violation of this ordinance or which creates a safety hazard. If the property owner who is required to make the change fails or refuses to make said change within thirty (30) days, a citation for violation of this ordinance may be issued by the Director of Public Works.

(4) **PENALTY PROVISIONS.** The penalty provisions set forth in Section 25.04 of the Kiel Ordinances shall apply for any violations of the provisions of this ordinance with respect to location, construction and maintenance of mailboxes and other delivery boxes.

17.36 SATELLITE DISHES. (1) **DEFINITION.** Satellite earth stations are dish shaped antennas designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites.

(2) **SATELLITE STATIONS.** Satellite earth stations shall be regulated in all

zoning districts in the following manner:

(a) Not more than one satellite earth station may be allowed per individual recorded residential lot.

(b) [#395 4/18/95] Satellite earth stations shall be allowed in rear and side yards only, and may be mounted upon buildings; in no event shall satellite earth stations be allowed in front yards.

(c) Satellite earth stations shall not exceed 12' in diameter.

(d) Rear yard setbacks shall be equal to or greater than the required rear yard setbacks for accessory buildings or structures within the respective zoning district, but not less than the total vertical height of the satellite earth station.

(e) Satellite earth stations shall not be attached to the wall or roof of any principal or accessory structure, except in commercial and industrial districts, subject to engineering calculations prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound and shall not exceed the maximum height regulation of the zoning district in which it is located.

(f) Ground mounted satellite earth stations shall meet the height requirement for accessory structures in the zoning district in which they are located.

(g) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of 80 mph.

(h) All installations shall be kept reasonably attractive.

(i) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.

(j) Portable or trailer-mounted satellite earth stations are not allowed. As an exception, however, for periods not to exceed five (5) days, temporary installations for on-site testing and demonstration purposes may be allowed.

(k) Electrical installation in connection with earth satellite receiving stations including grounding of the system shall be in accordance with the National Electrical Code Standards.

(l) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.

(m) Satellite earth stations that cause any harmful interference with radio and/or television broadcasting or reception on adjacent properties shall be governed in accordance with the Federal Communication Standards.

(n) [#395 4/18/95] No satellite earth station with a diameter of more than 36 inches shall be erected within the City without a satellite earth station permit. The owner of the property where the installation of the station is proposed shall first obtain approval from the Building Inspector. Upon obtaining such approval, the proposed installation shall be reviewed by the Plan Commission at a public hearing. Upon approval by the Plan Commission, a satellite earth station permit shall be issued by the Building Inspector.

(o) Applications for a permit shall be accompanied by sufficient information to allow the Building Inspector adequate review of the proposed installation to ensure compliance with this section.

(p) The fee for a satellite earth station permit shall be \$15 or such other sum as the City Council may set from time to time. A copy of the fee schedule shall be on file in the offices of the Administrator and Building Inspector.

(q) [#395 4/18/95] Failure to comply with the terms of this ordinance shall be enforceable through a forfeiture under Section 25.04 of the Kiel

Municipal Code.

17.37 ADMINISTRATION AND ENFORCEMENT. (1) **BUILDING PERMIT REQUIRED.** No person shall commence excavation for or construction of any building or structure, or structural changes in any existing building or structure without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until application has been submitted in accordance with this chapter, showing that the construction proposed is in compliance with this chapter and other regulations of the City.

(2) **ADMINISTRATIVE OFFICIALS DESIGNATED.** Except as otherwise provided in this chapter, the Building Inspector shall administer and enforce the provisions hereof, including the receiving of applications, the inspection of premises and the issuing of building permits. In cases of violation of the provisions of this chapter, the Inspector shall notify the City Attorney who shall issue warrants or such other legal proceedings as are necessary.

17.38 NONCONFORMING BUILDINGS AND USES. The lawful use of a building or premises existing on April 17, 2001, may be continued although such use does not conform with the provisions of this chapter. The total structural repairs or alterations on such a nonconforming building shall not, during its life, exceed 50% of the fair market value of the building unless permanently changed to a conforming use. If such nonconforming existing use is discontinued for a period of 12 months, any future use of the building and premises shall conform to this chapter.

17.39 BOARD OF APPEALS. (1) **CREATION, APPOINTMENT AND ORGANIZATION.** A Board of Appeals is hereby created having the powers authorized in Section 62.23, Wis. Stats. The Board shall consist of 5 members, appointed by the Mayor subject to confirmation of the City Council, for terms of 3 years. Vacancies shall be filled for the remainder of the unexpired term only. All members of the Board shall serve without compensation.

(2) **PROCEDURE, RULES, MEETINGS, AND MINUTES.** The Chairman of the Board shall be designated by the Mayor. The Board shall adopt its own rules of procedure deemed necessary to carry out the provisions of this section. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question. The presence of 4 members shall be necessary to constitute a quorum.

(3) **APPEAL.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or commission of the City affected by any decision or ruling of the Building Inspector made under this chapter. Such appeal shall be taken within 15 days after the decision or ruling of the Building Inspector by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds therefor. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(a) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector from whom the appeal was taken.

(b) Hearings. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give due notice thereof. The Board shall hear and decide the appeal within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

(c) Powers of Board. The Boards of Appeals shall have the following

powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

2. To hear and decide special exception to the terms of the chapter upon which such Board is required to pass under such chapter.

3. To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board may permit, in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the chapter, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(d) Decisions of the Board. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue the permit. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon being brought before the Board as required by this chapter. The grounds of every such determination shall be stated.

17.40 CONDITIONAL USE PERMIT. [#358 3/13/90] (1) AUTHORIZATION. The Common Council, after review of the City Plan Commission, may authorize

the Building Inspector to issue a conditional use permit for conditional uses after review and a public hearing, provided that such additional uses or structures are in accordance with the purpose and intent of this chapter and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

(2) APPLICATION. Application for a conditional use permit shall be made in duplicate to the Building Inspector on forms provided by his office. The Building Inspector shall forward to the Plan Commission a copy of any such application. Such applications shall include the following:

(a) THE NAMES AND ADDRESSES of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) A DESCRIPTION OF THE SUBJECT SITE by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) A PLAT OF SURVEY prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.

(d) ALL ADDITIONAL INFORMATION required by the Plan Commission, City Engineer or Building Inspector.

(e) A FEE RECEIPT from the City Treasurer in the amount of Twenty-five Dollars (\$25.00).

(3) REVIEW AND APPROVAL. (a) The 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 operation.

(b) The Plan Commission shall hold a public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the City. The City Administrator shall notify all abutting or opposite property owners, as listed by the developer in the original application, of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(c) Any development within five hundred (500) feet of the existing or proposed rights-of-way of highways and within fifteen hundred (1500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the highway. The Plan Commission shall request such review and await the highway agency's recommendations for a period not to exceed sixty (60) days before taking final action.

(d) After review of the proposed conditional use by the Plan Commission the Common Council of the City shall approve or reject the proposed conditional use, and if it approves the use, shall authorize the Building Inspector to issue a conditional use permit.

(4) STANDARDS. (a) No conditional use shall be recommended by the Plan Commission unless the Commission shall find:

(1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health or safety, or interfere with or undermine the general welfare.

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

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

(4) That adequate utilities, access road, drainage and/or necessary facilities have been or are being provided.

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

(6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(b) Required Conditions. Conditions such as landscaping, architectural design, type of construction, commencement and completion dates of construction, 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 Commission upon its finding that these are necessary to fulfill the purpose and intent of this Section.

17.41 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT. (1) INTENT. The PUD provisions of the Kiel Municipal Code are intended to promote creativity and flexibility in site plan design, while at the same time preserving the health, safety, order, and general welfare of the City. PUD's may contain one use or any combination of residential, commercial, or agricultural uses, so long as they are planned and developed in an orderly and compatible way. Mixed uses may occur among or within buildings as long as the uses are compatible with each other and with the planned and existing uses of areas adjacent to the PUD. Any use of land not clearly designated by type on the approved final development plan shall be permitted in a PUD only upon issuance of a Special Use Permit.

(2) PUD STANDARDS. The PUD standards shall be as follows:

(a) Access. All land uses shall abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives must tie in effectively with the City's existing street system and with those arterial and collector streets proposed in the City's future land use plan.

(b) Architectural Style. The architectural style of the individual structures within the PUD shall be compatible with other structures in the PUD, as well as with the overall site design and with land uses of abutting lands.

(c) Common Open Space. As far as possible, common open space shall be linked to the open space areas of surrounding developments. A common open space in a PUD shall be of an adequate size, and appropriate shape, location, and usability, to suit its proposed purpose.

(d) Density. A residential PUD may provide up to a 25% increase in the number of units per acre over other residential zoning districts if the PUD provides substantially more site amenities than are found in a conventional residential development. Approval of any increase in density in a residential PUD shall be at the discretion of the City Council, which shall in considering whether the proposed density is to be permitted in the particular PUD take into account the character, use of existing landscape, design variation and environmental concerns of the PUD. Where the land proposed for a PUD lies in an area which has already been included in a zoning district by the City, density shall be computed based on the established standards for density in such zone. Where no zone exists or where changes in zoning are proposed, the developer who proposes to develop a PUD in the particular zone shall prepare and present to the City Plan Commission and the City Council a preliminary zoning request and sketch plan.

(e) Determining Standards. Standards for lot area, coverage, setbacks, parking, screening and density shall be governed by the standards of the zoning district most similar in function to the proposed PUD use, as determined by the Plan Commission. Deviation from those standards may be permitted by the Plan

Commission or the City Council only if such deviation is consistent with the total design of the proposed development, encourages a desirable living environment, and is not likely to be detrimental to the welfare of the City.

(f) Exterior Boundary Setback. No principal building shall be set back less than 25 feet or the height of the building, whichever is greater, from the exterior of a PUD or a public street right-of-way. No commercial or industrial structure shall be nearer than 100 feet to its side or rear property lines where such side or rear property lines abut a single-family use.

(g) Property Owners Association. All owners of property within the PUD shall be required to be members of a property owners association consisting of the owners of all properties in the PUD. The property owners' association shall own and maintain all common open space and private interior drives.

(h) Designation of Recreational Trails. When possible, trails should be integrated into the PUD. Trails within a PUD will be encouraged to connect to existing or future exterior trail systems. A PUD not conventionally platted must include at least 10% common open space.

(i) Minimum PUD Development Area. A minimum PUD development area shall be at least 2 acres of land in single ownership or control. A land use of less than 2 acres may qualify if one or more of the following conditions exist:

1. Natural features of land are such that development under standard zoning regulations would not adequately conserve such features;

2. The land is adjacent to or across the street from property which has been developed as a PUD and is to be developed in relationship to such prior development;

3. Flexible design is needed to address detrimental site features affecting the development potential of a site, such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible

land uses, or similar site constraints; or

4. The site is surrounded by existing development or environmental features that prevent full public access.

(3) PRELIMINARY DEVELOPMENT PLAN APPLICATION.

The Preliminary Plan shall include the following:

(a) Existing wooded areas, streams, marshes and other predominant natural features;

(b) Phasing schedule stating the geographical phasing and approximate construction timing of the PUD or portions thereof:

(c) Preliminary drainage plan;

(d) Preliminary utility plan for all public utilities;

(e) Site plan showing the lot lines, building locations, public or private street system, parking spaces, drives, common open space areas, trails, recreational improvements and structures;

(f) Summary sheet indicating the area of land in each land use, number of units proposed, density of development, percentage of land in usable open space, number of acres of common recreational open space and number of parking spaces provided; and

(g) A vicinity map showing a sufficient amount of the area surrounding the proposed PUD to demonstrate the relationship of the proposed PUD development to the adjacent land uses and street system.

(4) PROCEDURE FOR REVIEW OF A PRELIMINARY PLANNED UNIT DEVELOPMENT.

(a) The proposed PUD developer shall submit six (6) copies of an application with development plan along with the items listed below to the City Administrator, who shall transmit copies to the Plan Commission, the Building Inspector, the Public Works Director, the Park Board, and any other agencies which he may feel would appropriately have a copy of the application with development plan. The application shall include a written explanation of the character and purpose of the proposed planned development, including the type and density of any housing proposed, the nature and purpose of any non-residential development; the proposed method for preserving and maintaining open space, streets and parking areas; and a general statement of proposed financing for the project. Each proposal for a PUD shall be accompanied by a schedule showing the times within which each phase or segment of the PUD will be completed. The City Council shall review the proposed time schedule for completion of each phase or segment of the proposed PUD and may suggest changes in the said time schedule. After a specific time schedule has been approved by the City Council, in the event that any portion of such time schedule is not met, the City Council may, upon written request of the PUD developer for an extension of time, delivered to the City Administrator at least 20 days prior to the expiration of the completion date for which such extension is requested, for good cause, extend the said completion date. If the PUD developer fails to meet satisfactorily any phase or segment of the completion schedule within 20 days of the expiration date thereof, or within 30 days of any denial by the City Council for an extension thereof, the City Council may in its discretion declare the Special Use Permit for all of the tract of land subject to the PUD or any portion thereof to be null and void. The City in its discretion may also require the PUD developer to post a performance bond in an amount to be determined by the City. If the City Council approves a final development plan and the PUD developer thereafter wishes to abandon the plan, the developer shall so notify the City in writing. The City may then, in its discretion, retain a portion of the required security posted by the developer to complete improvements to terminate the development or the phase of the development in an orderly manner.

(b) Within 45 days from receipt of the proposed PUD plan, the Plan Commission shall make a recommendation to the City Council to approve, approve with modifications, or disapprove the proposal.

(c) After receipt from the Plan Commission of its report on the proposed PUD development, the City Council shall hold a public hearing on the proposed development. Within 10 days after such public hearing, the City Council shall either approve, approve conditionally, or disapprove the proposed PUD. Conditional approval shall be valid for one year and shall be subject to acceptance by the City Council of a final plan for all or for a portion of the PUD. The final plan shall incorporate all conditions and modifications imposed by the City Council.

(d) Upon approval of the final plans by the City Council, the Building Inspector shall issue a Special Use Permit. When construction is completed according to the final plans as approved by the City Council, and so certified in writing by the Building Inspector, a Certificate of Occupancy for such completed portion shall be issued by the Building Inspector.

(e) After a Certificate of Occupancy has been issued by the Building Inspector, no changes may be made in any part of the completed development except pursuant to a public hearing before the Plan Commission and approval by the City Council as set forth in Sec. 17.30(8).

(f) If part of the PUD involves the subdivision of land into parcels for sale to individual owners, the site plan review required pursuant to this chapter shall suffice for Plan Commission review in accordance with City subdivision regulations and the public hearing held by the City Council shall suffice for a public hearing on the subdivision.

(5) ENVIRONMENTAL REVIEW STANDARDS AND DESIGN STANDARDS.
In reviewing a proposed planned development, the Plan Commission shall apply the following standards and it shall recommend approval of the PUD only when it determines that the standards have been reasonably satisfied:

(a) The proposal shall demonstrate an effective and unified treatment of the development possibilities of the project site, making appropriate provision for the preservation of scenic features and physical amenities of the site and of the surrounding areas.

(b) The project shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(c) The individual buildings in the proposed PUD shall be related to each other in design, mass, placement and connection to provide a visually and physically integrated development.

(d) Treatment of the sides and rear of all buildings within the project shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(e) All buildings shall be so arranged as to be accessible to service and emergency vehicles.

(f) Landscape treatment for open spaces, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area, except lands donated to the City for park or trail development.

(g) The primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Whenever possible, existing trees shall be conserved and integrated into the landscape design plan.

(h) All streets bordering the project area shall be planted at regular intervals with street trees.

(i) There shall be an adequate, safe and convenient arrangement of

pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, trash removal facilities and outdoor storage areas. All such facilities shall be designed to City specifications.

(j) The design and the materials of construction of paving, lighting fixtures, retaining walls, fences, curbs, and benches and other associated apparatus and equipment, shall be of good appearance, easily maintained, and indicative of their function.

(k) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, and ease of access, and shall be developed as an integral part of the overall site design. To reduce unsightliness and the visual monotony of parked cars such facilities shall be screened from public view.

(l) Any above-grade loading facility shall be screened from public view to the extent necessary to reduce unsightliness.

(m) Any waterfront improvements, including bulkheads, or access to docks or floating platforms shall be subject to DNR regulations.

(6) ACTION BY THE CITY COUNCIL. The City Council shall review the decision of the Plan Commission at its first regularly scheduled meeting subsequent to receipt of the report of the Plan Commission on the proposed PUD. The review of the proposed PUD by the City Council shall be made at a public hearing held during the said City Council meeting pursuant to public notice in the form normally provided by the City Council for matters to be reviewed at its regular Council meeting.

(7) APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL.

Application Content. The application for final development plan approval for a PUD shall include the following items:

(a) A definite timetable for the start of construction and the

approximate amount of time to complete building of the project;

(b) A final site plan, with all pertinent dimensions shown to the nearest foot;

(c) Final grading, drainage, utility, lighting and landscape plans;

(d) A sign plan specifying the design, height, location, size and illumination in the proposed PUD;

(e) Deed restrictions and instruments dedicating all rights-of-way, easements, and public lands drafted to the satisfaction of the City Attorney, and insuring the preservation and maintenance of the common open space areas;

(f) By-laws of the proposed property owners' association for the PUD;

(g) Building elevation drawings, including specifications, except for detached single family dwellings meeting required standards for R-1 or R-2 districts. This requirement may be waived by the City Council upon recommendation of the Plan Commission.

(h) A performance bond from the developer acceptable to the City, in an amount equal to 150% of the estimated cost of public utilities and infrastructure in accordance with the City Ordinances regulating subdivisions, paved parking, landscaping, walkways, recreational equipment and lighting in accordance with final development plans. The said bond shall be posted for each phase as it is proposed for development. The estimated cost for termination of each phase shall be retained by the City until subsequent phases are under construction.

(i) Such other information as may be requested by the Plan Commission or the City Council to represent fully the intent of the development plan or to determine if the plan meets the conditions for approval set forth above.

(8) FINAL DEVELOPMENT PLAN APPROVAL. Within 60 days after the final development plan is submitted by the developer to the Plan Commission, the Plan Commission shall make a recommendation to the City Council on the said plan, indicating its conformity or lack of conformity with the preliminary development plan, the plan's fulfillment of all required items and continued compliance with findings required for preliminary development plan approval. Upon receiving the Plan Commission's recommendation, the City Council shall set for public hearing at the next regularly scheduled City Council meeting the proposed final development plan approval. After the said public hearing has been held, the City Council shall either grant, grant subject to conditions, or deny the final development plan. If the City Council grants approval of the plan, the Building Inspector shall issue a Planned Unit Development permit to the developer, which said permit shall contain any conditions attached by the City Council to its approval of the proposed PUD.

(9) FILING OF FINAL DEVELOPMENT PLAN. Upon approval of the final development plan by the City Council, the City Administrator shall certify two copies of such plan and file them. Such plan shall be drawn to a scale of 40 feet to one inch or larger. The dimensions of such plan shall not exceed three feet by six feet. In case of a large plan, two or more sheets may be required. The City Administrator shall see that, after approval, the PUD is designated on the City's Official Zoning Map.

(10) FINAL DEVELOPMENT PLAN CHANGES. Any significant changes in the approved final development plan may be made only after consideration by the Plan Commission, and a public hearing and subsequent approval by the City Council. No changes in the final development plan may be made unless they are shown by the developer to be required by changes in conditions or circumstances not foreseen at the time of the approval of the final development plan by the City Council. Any changes must first be reviewed by the Plan Commission and thereafter approved by the City Council.

In the event that any portion of such time schedule in the approved final development plan is not met, the developer may submit a written request for an extension of time, delivered to the City Administrator, at least 20 days prior to the expiration of the building completion date. The City Council may, for good cause, extend the previously agreed completion date for up to, but not to exceed, one (1) year of additional time.

If the developer fails to satisfy any phase or segment of the completion schedule within 20 days of the expiration date, or within 30 days of an extension denial by the City Council, said phase or portion of a previously approved site plan associated with the Planned Unit Development shall become null and void.

(11) TERMINATION OF FINAL DEVELOPMENT PLAN APPROVAL. If final development plan approval is given by the City Council to a developer and the developer thereafter wishes to abandon the plan, he shall so notify the City in writing. If the developer fails to commence the development within 18 months of the approval of the final development plan, or upon a finding by the Plan Commission that there has not been substantial development (as indicated by installation of utilities or completion of five percent (5%) of the proposed floor area) within the site area within 24 months after final development plan approval has been granted by the City Council, such final development plan approval shall be terminated after a public hearing by the Plan Commission and approval by the City Council upon public hearing before the City Council.

(12) EXTENDED STAGE PUD. The City recognizes that certain PUD's may involve construction over an extended period of time. If a developer proposes to develop a PUD project during a period exceeding two years, he may request concept approval from the Plan Commission and the City Council for the entire project and for permission to submit application for preliminary development plan approval on the first stage of the project. A public hearing shall be required by the Plan Commission for consideration of concept approval as well as for each stage of development in the extended-stage PUD. Each stage of the PUD shall

require both preliminary and final development plan approval.

(13) **BUILDING PERMIT APPROVAL.** No building permit shall be issued by the Building Inspector for a building in a PUD until the plans for said building have been reviewed and approved by the Building Inspector and found by him to be consistent with the plans for the PUD presented by the developer to the Plan Commission and the City Council and approved by the City Council.

17.42 VIOLATIONS AND PENALTIES. (1) **PENALTY.** Any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

(2) **COMPLAINTS.** Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Plan Commission.

17.43 AMENDMENTS. The City Council may, from time to time on its own motion, or on petition or recommendation of the Plan Commission, amend, supplement or repeal the regulations and provisions of this chapter after referral to the Plan Commission, which shall give notice and hold public hearing thereon.