

ORDINANCE NO. 2025-05

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 17 ENTITLED “ZONING CODE” OF THE CITY OF BOSCOBEL MUNICIPAL CODE.

NOW, THEREFORE, the Common Council of the City of Boscobel, Grant County, Wisconsin, do ordain as follows:

Section 1: CHAPTER 17, ZONING CODE, of the City of Boscobel Municipal Code shall be and hereby is recreated to read as follows:

(entire chapter follows – pages 2-67 of this Ordinance)

**CHAPTER 17
ZONING CODE**

INTRODUCTION

17.01 Authority	4
17.02 Purpose.....	4
17.03 Intent	4
17.04 Abrogation and Greater Restrictions	4
17.05 Interpretation.....	4
17.06 Title.....	5
17.07 Effective Date	5
17.08 Definitions.....	5

GENERAL PROVISIONS

17.10 Jurisdiction	11
17.11 City Plan Commission Designated	11
17.12 Zoning Administrator Designated.....	11
17.13 Compliance	11
17.14 Zoning Permits.....	11
17.15 Uses Not Requiring a Zoning Permit.....	13
17.16 Site Restrictions	13
17.17 Use Restrictions	14
17.18 Reduction or Joint Use.....	16
17.19 Violations.....	16

ZONING DISTRICTS

17.20 Establishment.....	16
17.21 Zoning Map.....	17
17.22 R-1A Rural Residential District.....	17
17.23 R-1 Single Family Residential District.....	18
17.24 R-2 Multifamily Residential District	19
17.25 MH - Residential Mobile Home Park District	21
17.26 B-1 Retail Business District.....	23
17.27 B-2 Highway Commercial District	24
17.28 B-3 Land Extensive Commercial District.....	25
17.29 M-1 Light Industrial District.....	26
17.30 M-2 Heavy Industrial District.....	29
17.31 AT - Agricultural Transition District.....	31

17.32	PUD - Planned Unit Development District.....	33
17.33	C - Conservation District	35
17.34	CD - Downtown Historic District	36

CONDITIONAL USES

17.40	Statement of Purpose	36
17.41	Definitions	36
17.42	Permit	36
17.43	Application	37
17.44	Review and Approval	37
17.45	Standards	38
17.46	Additional Requirements	39
17.47	Denial	39
17.48	Compliance	39
17.49	Appeal	39

TRAFFIC, PARKING AND ACCESS

17.50	Traffic Visibility	40
17.51	Loading Requirements	40
17.52	Parking Requirements.....	40

MODIFICATIONS

17.60	Height	43
17.61	Yards	44
17.62	Additions	45
17.63	Average Street Yards	45
17.64	Special Yard Provisions in Areas Without Public Sewer	45
17.65	Utility Sheds Under 120 Sq. Ft.	45
17.66	Garages on Alleys	46

SIGNS

17.70	Signs	46
17.71	Permits Required	48
17.72	Construction and Maintenance	49
17.73	Non-Conforming and Prohibited Signs	51
17.74	Signs Not Requiring a Permit	52
17.75	Special Signs	54
17.76	Signs Permitted by Zoning Districts.....	56

17.77 Penalties	60
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NONCONFORMING USES, STRUCTURES AND LOTS

17.80 Existing Nonconforming Uses	60
17.81 Repair or Replacement	60
17.82 Existing Nonconforming Structures	61
17.83 Changes and Substitutions	61
17.84 Nonconforming Lots	62

BOARD OF ZONING APPEALS

17.90 Establishment	62
17.91 Membership	62
17.92 Organization.....	63
17.93 Powers	63
17.94 Appeals and Applications	63
17.95 Hearings	64
17.96 Findings.....	64
17.97 Decision	64
17.98 Review by Court of Record	64

CHANGES AND AMENDMENTS

17.100 Authority	65
17.101 Initiation.....	65
17.102 Petitions.....	65
17.103 Recommendations.....	65
17.104 City Council Action	65
17.105 Protest	66
17.106 Penalty	66

INTRODUCTION

17.01 AUTHORITY.

These regulations are adopted under the authority granted by ss. 61.35 and 62.23, Wis. Stats.

17.02 PURPOSE.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

17.03 INTENT.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's master plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

17.04 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.05 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. If a proposed use is not specifically listed as a permitted use or a conditional use, the zoning administrator shall use the United States Department of Labor's Standard Industrial Classification Manual to determine whether the proposed use is similar to a specific permitted use or a specific conditional use. If the determination is that the proposed use is similar to a specific permitted use, the Zoning Administrator shall permit it, provided that the proposed use will be in harmony with existing uses in the zoning district and any adjoining district, and will not create conflicts or interfere with established uses in the district or any adjoining district. If there is potential for conflict or interference with existing uses, the Zoning Administrator shall refer the matter to the Plan Commission. The Plan Commission shall decide whether to treat the proposed use as a permitted use, a conditional use or as a use not permitted in the district. If the Commission determines the use is similar to a conditional use, or if it determines that the use is similar to a permitted use, but which may potentially cause conflict or interference with

existing uses, the Plan Commission shall direct the proposed user to proceed under Section 17.40 to 17.49 to obtain a conditional use permit, and the Plan Commission may, but is not required to, issue a conditional use permit for the use.

17.06 TITLE.

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

17.07 EFFECTIVE DATE.

This chapter shall be effective after a public hearing, adoption by the City Council and publication or posting as provided by law. Date of Publication, September 23, 1982.

17.08 DEFINITIONS.

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory, “should” is advisory and “may” is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

- (1) **ACCESSORY USE OR STRUCTURE.** A use or detached structure subordinate to the principal use structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- (2) **ALLEY.** A special public right-of-way affording only secondary access to abutting properties.
- (3) **ARTERIAL STREET.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (4) **BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.
- (5) **BILL OF LADING.** Bill of lading means a written receipt given by a carrier for goods accepted for transportation.
- (6) **BUILDING.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- (7) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

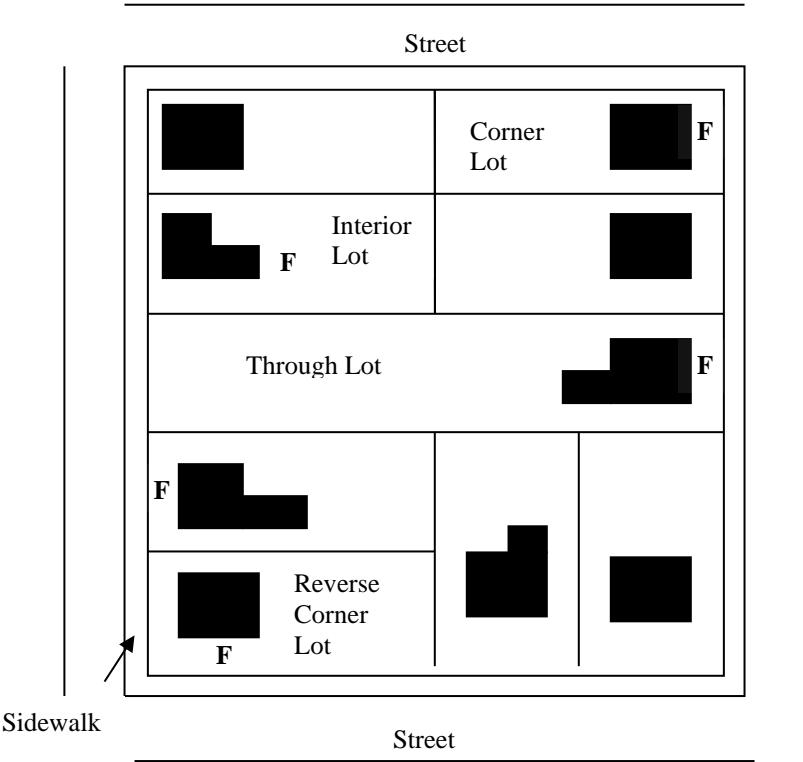
- (8) **BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.
- (9) **CLASSES OF NOTICE.** References in this chapter to Class 1 and Class 2 notices refer to Ch. 985, Wis. Stats.
- (10) **CONDITIONAL USES.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (11) **DWELLING.** A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (12) **EFFICIENCY.** A dwelling unit consisting of one principal room with no separate sleeping room.
- (13) **ELDERLY HOUSING.** (Also, referred to as housing for elderly.) Multifamily housing development occupied exclusively by persons over 60, spouses of people over 60 or infirm persons.
- (14) **ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility facilities such as electric utility substations, utility offices or other structures not related to the direct delivery of service.
- (15) **FAMILY.** Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.
- (16) **GARAGE SALE.** (Also, referred to as basement sales or rummage sales.) Sales conducted for no longer than 5 consecutive days nor more than 15 days of any calendar year by any of the same persons or on the same property. No articles or items purchased for resale shall be offered for sale.

No more than one motor vehicle, boat or trailer shall be offered for sale on the premises during the period of the garage sale.

- (17) **GOODS.** Goods means possessions, especially moveable effects or personal property. Goods included all things which are treated as moveable for purposes of a contract for storage.
- (18) **GOVERNMENT USES.** Includes all public uses and facilities including parks.
- (19) **GROSS AREA.** Total land area inclusive of buildings on a lot.
- (20) **FRONTAGE.** The smallest dimension of a lot abutting a public street measured along the street line.
- (21) **DWELLING, MULTIPLE FAMILY.** A residential building designed for or occupied by 2 or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (22) **HOME OCCUPATION.** A gainful business activity conducted by a person in his or her dwelling which is conducted in the principal residence or an accessory structure. No home occupation is lawful or permitted unless it meets the following criteria:
 - (a) The space used for the business activity, including storage, shall not exceed 30% of the gross floor area of the principal and accessory structures combined, provided however, for a home occupation which is a bed and breakfast operation providing meals and overnight lodging for guests, the measurement of floor space shall be based on the sleeping quarters occupied by the guests.
 - (b) There shall not be more than one (1) employee other than members of the family.
 - (c) There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.
 - (d) One unlighted sign no larger than 2 square feet may be placed on the premises.
 - (e) There shall be no nuisances associated with home occupations. Potential nuisances include, but not are limited to, noise, odor, dust, increased traffic or parking conflicts. Any nuisance for purposes of this section and Chapter 10 of this Code.
 - (f) If any part of the home occupation, including storage, is conducted in an accessory building or structure, a conditional use permit is required.
- (23) **JUNKYARD.** (Also, referred to as a salvage yard.) An open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap, iron or

other metals, paper, rags, rubber, tires and bottles. A junkyard also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. For purposes of enforcement, any lot that is not part of a vehicle repair establishment containing 3 or more inoperable motor vehicles including tractors or other farm machinery, shall be considered a junkyard.

- (24) **LOADING AREA.** A completely off street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (25) **LOT.** A parcel of land having frontage on a public street, occupied or intended to be occupied by principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.
- (26) **LOT LINES AND AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (27) **LOT WIDTH.** The width of a parcel of land measured at the rear of the specified street yard.
- (28) **LOT TYPES.**



- (29) **MINOR STRUCTURES.** Any small, movable accessory erection or construction such as birdhouses, toolhouses, pet houses, play equipment, arbors and walls and fences under 4' in height.
- (30) **MOTEL.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (31) **NONCONFORMING USES OR STRUCTURES.** Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (32) **PARKING LOTS.** A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.
- (33) **PARKING SPACE.** A graded and surfaced area of not less than 180 sq. ft. in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (34) **PARTIES IN INTEREST.** Includes all abutting property owners, all property owners within 200' and all property owners of opposite frontages.
- (35) **PROFESSIONAL HOME OFFICES.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.
- (36) **REAR YARD.** A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (37) **RENOVATION.** A general upgrading of the buildings' interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shop front and sign. Interior rehabilitation can include the upgrading of electrical, mechanical or structural elements and new interior design.
- (38) **RESTORATION.** The reinstatement of original architectural integrity of structural form of quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.
- (39) **SELF-SERVICE STORAGE FACILITY.** Self-service storage facility means real property containing leased spaces for the storage of personal property used

for personal, family, or household purposes, but does not include a warehouse or other facility as defined herein, where the operator of the warehouse or facility issues a warehouse receipt, bill of lading or other document of title for personal property stored in the leased premises.

- (40) **SIDE YARD.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (41) **SIGNS.** A notice, bearing a name, direction, view, warning, picture, logo or advertisement, that is displayed or posted for public view.
- (42) **SMALL LIVESTOCK AND POULTRY.** For purposes of this chapter, small livestock shall be limited to animals weighing less than 20 lbs.
- (43) **STREET YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- (44) **STREET.** A public right-of-way not less than 50' wide providing primary access to abutting properties.
- (45) **STRUCTURE.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (46) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (47) **UTILITIES.** Public and private facilities such as water wells, water and sewerage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- (48) **WAREHOUSE.** Warehouse means any building, room, structure or facility used for the storage of commercial or industrial property held for purposes of fabrication, manufacture or resale, and for which a warehouse receipt, bill of lading or other document of title is issued, however, for purposes of this Chapter, it does not include self-service storage facilities.
- (49) **WAREHOUSE RECEIPT.** Warehouse receipt means a written receipt for property or goods placed in a warehouse issued to the storer by the warehouse keeper that identifies the property or goods placed in storage and informs storers of all terms and conditions of storage.

- (50) **YARD.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

GENERAL PROVISIONS

17.10 JURISDICTION.

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the City.

17.11 CITY PLAN COMMISSION DESIGNATED.

A City Plan Commission is hereby created to carry out the intent of the City Master Plan and Zoning Ordinance. The makeup of the Commission and its powers and duties shall be prescribed by s. 62.23, Wis. Stats.

17.12 ZONING ADMINISTRATOR DESIGNATED.

The Office of Zoning Administrator is hereby created as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator shall be to interpret and administer this chapter and to issue, after on site inspection, all permits required by this chapter. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with this chapter, and assist the City Attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

17.13 COMPLIANCE.

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, demolished or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

17.14 ZONING PERMITS.

Zoning permits shall be required for all new structures, exterior renovation, demolition, placement of signs and changes in land use unless specifically excepted by this chapter. Applications for zoning permits shall be made to the Zoning Administrator and shall include the following where appropriate:

- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- (2) Description of the subject site by lot, block, and record subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed

operation or use of the structure or site; number of employees; the zoning district within which the subject site lies.

- (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways, off street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site. In case of simple extensions, alterations, repairs or restorations the Zoning Administrator may waive any or all of the requirements hereunder and accept in lieu thereof a simple sketch by the applicant with sufficient explanatory data found sufficient by the Zoning Administrator to adequately identify and explain the proposed construction and use.

- (4) Utility Services. Unless said property is already attached to the municipal sewerage system said applicant shall provide a sketch in detail of proposed connection to the municipal sewerage system. It is hereby provided that the Director of Public Works of the City of Boscobel shall provide without charge on the request of any applicant the necessary information as to available sewerage service. Such information shall include details as to the applicable connection charges if the sewer service is available on the street involved or if not, details as to the cost and feasibility of necessary extensions of the municipal service mains, manholes and other appurtenances. Included in this information shall be the availability of basement floor drains and the necessity of a lift pump on the property of the applicant or an additional municipal lift station. Similar information shall be supplied as to availability and proposed connections to the municipal waterworks utility and the municipal electric utility. The handling of storm water from said property or any changes in the discharge of such water shall be shown. All municipal ordinances and rules of the City of Boscobel or any of its municipal utilities as to sewer and water main extensions, connections to municipal utilities including compulsory connections, the handling of storm water and provisions or requirements as to curb, gutters, sidewalks and streets now in existence or hereafter adopted apply to any new building or extensions to present buildings. As a part of the application to be filed with the Zoning Administrator or before the granting of the permit, the Superintendent of Utilities shall certify as to the requirements of the City or of the City Utilities as to the handling of any of the matters above enumerated, estimated costs of the same and the applicable rules as to the payment of cost by the applicant, including the time of payment or any available deferment thereof. Said application shall also indicate as to whether or not the use of gas utility service is contemplated and if it is contemplated a similar certificate shall likewise be furnished by the applicant from the public utility furnishing the gas service.

- (5) Additional information as may be required by the City Plan Commission or City Zoning Administrator.
- (6) Zoning permits shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. Such permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

17.15 USES NOT REQUIRING A ZONING PERMIT.

Providing all applicable setback, yard, height and other requirements are met, no zoning permit shall be required in any of the following instances:

- (1) For erecting or placing an accessory building less than 100 sq. ft. in area.
- (2) For normal maintenance and repairs not involving an increase in the area of a structure except as specifically regulated within the Downtown Design Overlay District.

17.16 SITE RESTRICTIONS.

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

- (1) All lots shall abut upon a public street, and each lot shall have a minimum frontage of 30'.
- (2) All principal structures shall be located on a lot; in the R-1A and R-1 Districts, only one principal structure shall be built on, located in, erected on, or moved into a lot. In other zoning districts, more than one principal structure may be permitted on a lot, but only as a conditional use approved by the Plan Commission.
- (3) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

17.17 USE RESTRICTIONS.

The following use restrictions and regulations shall apply:

- (1) **PRINCIPAL USES.** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (2) **ACCESSORY USES.** Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless such use is a household occupation as defined by s. 17.08 of this chapter. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools and private emergency shelters.
- (3) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the City Plan Commission in accordance with ss. 17.40 - 17.49.
- (4) **UNCLASSIFIED OR UNSPECIFIED USES.** Unclassified or unspecified uses may be permitted by the City Plan Commission provided that such uses are similar in character to the principal uses permitted in the district.
- (5) **TEMPORARY USES.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission.
- (6) **GARAGE SALES.** Garage sales as defined in s. 17.08 of this chapter shall be permitted in all zoning districts provided the principal use of the site is residential and a permit for each such garage sale shall be acquired from the City Clerk.
- (7) **TEMPORARY STORAGE CONTAINERS.**
 - (a) **Definition.** The term "temporary storage container" shall be defined as a transportable, enclosed, box-like container that is typically rented to property owners or occupants of property, for their temporary use. Temporary storage containers include, but are not limited to, containers such as semitrailers, roll-off containers, slide-off containers, and "piggyback" containers. A temporary storage container includes any container intended to be filled, refilled, or emptied while located outdoors on a property, and to be thereafter removed from the property.
 - (b) **Permits.** A person engaged in the leasing, maintaining, or transporting of a temporary storage container, and the owner of the property (if different) where one is placed, shall both sign the application for the placement of the portable storage container. A permit application shall be submitted to the city zoning department together with the applicable

fee established by the city. A permit is only available for property located in a residential district and the commercial/business districts. Permit is only valid for the location for which the permit was issued. Except for construction projects, where work is ongoing and active, permit shall be issued no longer than thirty (30) consecutive days, unless an extension or an exemption has been granted. Storage containers cannot be used permanently in residential or commercial/business districts and cannot be used for human habitation. Storage containers do not require a permit for use in the industrial districts.

(c) Use Conditions.

1. No more than one temporary storage container shall be on a property at any given time.
2. A temporary storage container shall not be larger than eight (8) feet wide, eight (8) feet high, and twenty (20) feet long in temporary use zoning.
3. A temporary storage container shall not remain on a property in excess of thirty (30) consecutive calendar days and shall not be placed at any one property in excess of sixty (60) days in a twelve-month period, except as described in Subsection (c)(7).
4. A temporary storage container must be set back at least five feet from all lot lines, the public right-of-way and any public sidewalk. Additionally, any temporary storage container must be a minimum of five (5) feet away from any structures on the property.
5. A temporary storage container shall be placed on a hard surface such as asphalt, concrete, or compacted gravel. If no such location is available on the property, an alternate location shall be applied for and may be approved by the zoning department. The applicant shall describe, in writing, why the alternate location is required, where the container will be located, and explain why there will be no harm to the public health, safety and welfare.
6. Temporary storage containers for construction purposes are permitted during ongoing construction on a property for which a building permit has been issued and remains valid, and work is actively progressing. Such portable storage containers must be removed from that property within seven (7) calendar days of the final inspection or occupancy permit being issued pursuant to the building permit.
7. An extension to the time limit for placement of a temporary storage container may be granted, provided that such extension shall not be

for more than thirty (30) calendar days and no more than two (2) extensions shall be granted in any given calendar year.

8. On application, the city Administrator may waive or modify the provisions of this section and allow such placement of temporary storage containers as it determines is reasonable and necessary to address unusual or exceptional circumstances including casualty or natural disaster.
9. No temporary containers will be allowed which are not maintained in good repair and free from deterioration, graffiti, rust or other damage.
10. Existing portable storage containers that are not in compliance with this ordinance, truck boxes, rail cars, semi-trailers, etc. are hereby authorized for a period of six (6) months from the date of passage of this ordinance.

(d) Temporary Exemptions. A limited exemption from the provisions of this section may be granted by the Plan Commission, upon request submitted in writing substantiating a non-self-created hardship. If approved, such exemption shall be granted for a specified period of time. Request for any additional limited exemption shall be in the same manner as the original request. The Plan Commission may terminate any exemption for any reasonable cause.

17.18 REDUCTION OR JOINT USE.

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

17.19 VIOLATIONS.

No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the City Council, the Zoning Administrator, the City Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

ZONING DISTRICTS

17.20 ESTABLISHMENT.

- (1) For the purpose of this chapter, the City is hereby divided into the following 12 use districts. In addition, one overlay district is also established.

- (a) R-1A Rural Residential.
 - (b) R-1 Single Family Residential.
 - (c) R-2 Multifamily Residential.
 - (d) MH Mobile Home Park.
 - (e) B-1 Retail Business District.
 - (f) B-2 Highway Commercial District
 - (g) B-3 Land Extensive Commercial.
 - (h) M-1 Light Industrial.
 - (i) M-2 Heavy Industrial.
 - (j) AT Agricultural Transition.
 - (k) C Conservancy.
 - (l) PUD Planned Unit Development.
 - (m) CD Community Design District (Overlay District).
- (2) Boundaries of these districts are hereby established as shown on the map entitled “Zoning Map, City of Boscobel, Wisconsin,” which is adopted by reference as part of this chapter. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- (3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (4) Annexations to or consolidations with the City subsequent to the effective date of this chapter shall be placed in the AT Agricultural Transition District unless the annexation ordinance temporarily places the land in another district.

17.21 ZONING MAP.

- (1) A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the City Clerk and shall be available to the public in the office of the City Clerk.
- (2) Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

17.22 R-1A RURAL RESIDENTIAL DISTRICT.

The R-1A Rural Residential District is to provide for low density residential development and other rural land uses on lands that are at the edge of the City or that for topographic or other reasons may not be suitable for higher density development. The R-1A Rural Residential District may be used as a holding district for land which may at some future time be suitable for higher density development.

- (1) **PERMITTED USES.** Single family detached residences; home occupations; horticultural uses.
- (2) **CONDITIONAL USES.** Two family residences; charitable or nonprofit institutions; day care, nursing and group home facilities; government uses; campgrounds and recreation vehicle parks; utilities; junkyards.
- (3) **MINIMUM LOT AREA AND WIDTH.** 1 acre; 100' width.
- (4) **MINIMUM YARDS.** Front 25'; side 10'; rear 35'.
- (5) **MAXIMUM BUILDING HEIGHT:** 2-1/2 stories or 35'.
- (6) **MAXIMUM BUILDING COVERAGE:** 30%.
- (7) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS.** Accessory buildings which are not a part of the principal building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15' high and shall not be nearer than 3' to any lot line.
- (8) **MINIMUM FLOOR AREA.** All detached single family residences shall have a minimum floor area of at least 1,000 square feet; each unit of two family residences shall have a minimum floor area of at least 800 square feet.

17.23 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-1 single family district is to provide for detached single family homes in neighborhoods with homes of similar character.

- (1) **PERMITTED USES.** Single family detached residences; home occupations; horticultural uses.
- (2) **CONDITIONAL USES.** Professional home offices; governmental uses; utilities; two or three family residences, including existing homes converted for such multi-family uses; funeral homes; charitable or non profit institutions or facilities, such as places for religious worship or services; daycare and nursing home facilities; community and other living arrangements, subject to Wis. Stat. §62.23(7)(i), and zero lot line attached units which shall be subject to the requirements of Section 17.24(7) of this Code.
- (3) **MINIMUM LOT DIMENSIONS, BUILDING WIDTH, FLOOR SPACE AND FOUNDATION REQUIREMENTS.** Lots shall be at least 6,000 square feet in area and at least 60 feet in width. All dwellings will have a minimum floor area of 1,000 square feet, excluding the basement, and the principal structure shall be at least 24 feet in width. All dwellings must be placed on a permanent foundation that meets the specifications and requirements of Wisconsin Administrative Code Section ILHR 21.18 FOUNDATIONS.

- (4) MINIMUM YARDS. Front and rear yards, 25 feet; side yards, 10 feet.
- (5) SIZE AND PLACEMENT OF ACCESSORY BUILDINGS AND GARAGES. Accessory buildings, other than garages, shall be placed in the rear yard, shall not occupy more than thirty percent of the area of the required rear yard, shall not be more than 15 feet in height, and shall not be nearer than 3 feet to any lotline. Detached garages may be placed in a side yard, provided the front yard setback requirement of 25 feet and the side yard setback requirement of 10 feet, as required in Sub. (4), are met. Garages shall not be more than 20 feet in height.

17.24 R-2 MULTIFAMILY RESIDENTIAL DISTRICT.

The multiple family residential district is to provide for medium density attached or detached single family housing and apartment housing within the City.

- (1) PERMITTED USES. Multiple family dwellings with 8 or less units or detached single family dwellings.
- (2) CONDITIONAL USES. Home occupations; professional home offices; utilities; government uses; funeral homes; charitable or nonprofit institutions and facilities; day care, nursing home and community based residential facilities; multiple family housing with more than 8 units; and zero lot line attached units.
- (3) MINIMUM LOT AREA AND WIDTH.
 - (a) Single Unit Housing6,000 sq. ft. lot area
60' lot width
 - (b) Two Unit Housing.....4,000 sq. ft. per unit lot area
60' lot width
(80' lot width for Zero Lot Line)
 - (c) Three-Four Unit Housing.....3,000 sq. ft. per unit lot area
70' lot width
 - (d) Five or More Unit Housing.....2,500 sq. ft. per unit lot area
70' lot width
 - (e) All apartments and living quarters in multiple family housing shall have a minimum floor area of at least 800 square feet; all detached single family dwellings shall have a minimum floor area of at least 1000 square feet.
 - (I) One bedroom or efficiency560 sq. ft.
 - (II) Two bedroom apartment800 sq. ft.

(III) Three or more bedrooms.....1000 sq. ft.

All detached single family dwellings shall have a minimum floor area of 1,000 square feet, excluding garage.

- (4) **MINIMUM YARDS.** Front 25'; side 10' or 1/2 the building height, whichever is greater; rear 25'.
- (5) **MAXIMUM BUILDING HEIGHT:** 40'.
- (6) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS.** Accessory buildings which are not part of the principal building shall not occupy more than 30% of the area of the required rear yard; shall not be more than 15' high and shall not be nearer than 3' to any lot line.
- (7) **MANDATORY CONDITIONS FOR ZERO LOT LINE ATTACHED UNITS.**
 - (1) **Definition.** A zero lot line attached unit is two unit housing consisting of two single family row house units in a single structure that are attached by and share a common wall, and which structure is contained entirely within a single lot. The common wall must be perpendicular to the street right of way abutting the front yard of the lot and must be exactly in the center of the lot so as to bisect it into two equal parcels (on a straight line running from the front yard lot lint through the common wall and continuing to the back yard lot line).
 - (2) **Exemption.** The structure of a zero lot line attached unit shall be exempt from the side yard setback requirements of this section with respect to the common wall separating the two units (this being the zero lot line), but must meet all other side yard, rear yard and front yard setback requirements. All accessory structures shall meet all setback requirements and shall not enjoy the exemption granted by this subsection.
 - (3) **Lot Areas.** Lots on which a zero lot line attached unit structure are constructed must meet the minimum lot area and width requirements of sub. (3)(b). Each half of the lot may be sold as an individual unit to unrelated parties but only after construction of the principal structure has been completed and certificates of occupancy for both units have been issued by the Building Inspector under Section 14.01(3) of the Municipal Code.
 - (4) **Other Requirements.** Each single family row house unit within a zero lot line attached unit shall have its own water and sewer laterals and electrical service hookup.
 - (5) **Additional Discretionary Requirements.** The Plan Commission may grant conditional use permits for zero lot line attached units with conditions in

addition to those stated in this section. Such conditions may include, among other things, requirements for hour rated fire walls for the common walls or other walls, installation of smoke detectors, automatic fire suppression systems, minimum parking requirements, or use of other construction techniques and materials applicable to multiple family units of more than two units.

- (6) Issuance of Permit Discretionary. Nothing in this section shall be construed to require the Plan Commission to issue a conditional use permit for a zero lot line attached unit, if, in the Commission's discretion, it is not desirable to do so.

17.25 MH-RESIDENTIAL MOBILE HOME PARK DISTRICT.

The MH-Residential Mobile Home Park District is intended to provide areas for planned mobile home parks within the City.

- (1) **PERMITTED USES.** Mobile home parks which are developed exclusively for mobile home usage with the exception of community buildings, laundry facilities or other common use buildings which are ancillary to the residential use of the development.
- (2) **CONDITIONAL USES.** Conditional uses that may be permitted in the residential mobile home park district as authorized by the Plan Commission under ss. 17.40 - 17.49 include, but are not limited to, the following: professional home office, government, utilities, day care and nursing home and community based residential facilities.
- (3) **MINIMUM LOT AREA AND WIDTH.** Two-acre minimum lot area and 150' minimum lot width.
- (4) **YARD, BUFFERING AND SCREENING REQUIREMENTS.** There shall be a strip of land at which 15' in width around the entire perimeter of the park where no mobile home lots or common use structures may be permitted. This strip of land shall be landscaped to provide vegetative screening of the mobile home park. All exposed ground within a mobile home park which is not surfaced for access road, parking, recreation or patio shall be landscaped and maintained.
- (5) **SETBACK AND DENSITY REQUIREMENTS.** A mobile home lot shall have dimensions of at least 45 feet in width and 120 feet in length. Each mobile home shall be placed at least 20 feet away from any other mobile home. The setback requirements for side yards, the rear yard and the front yard shall be 10 feet from the lot line. A mobile home shall be placed at least 20 feet away from internal park streets and at least 25 feet away from the right of way of a public street.

- (6) **MAXIMUM NUMBER OF MOBILE HOMES IN A MOBILE HOME PARK:**
49.
- (7) **REQUIRED RECREATION AREAS.** Recreation areas shall be provided for each mobile home park. The recreation area shall be a minimum of 8% of the gross area of the mobile home park. The recreation area shall be centrally located and shall have safe access to and from all lots in the mobile home park.
- (8) **ACCESS ROADS AND PARKING SPACES.** Internal access roads and parking spaces must be incorporated into the site plan for each mobile home park. The entrance or entrances to mobile home parks shall be designed and located so as to provide safe access and allow free movement of traffic on adjacent streets. Each mobile home lot shall have access to public streets via an internal private access road system built and maintained by the mobile home park. The access road shall be a hard surface of either concrete, bituminous or treated gravel material and shall have a surface width of 22'. Dead end access roads shall have a turnaround with an outside diameter of 60'. Each mobile home shall be provided with at least 2 hard surfaced parking spaces at least 9' x 18'.
- (9) **CENTRAL SERVICE BUILDING.** All mobile home parks shall be provided with a multiple use service building which can function as a tornado shelter for the residents of the park. Such a service building shall be of masonry construction or shall have a basement so as to provide adequate emergency shelter.
- (10) **MOBILE HOME INSTALLATION AND UTILITIES.** All mobile homes shall be anchored and tied down. Skirting or foundations shall be provided for all mobile homes. All hitches shall be removed from mobile homes after placement in a mobile home park. All utilities shall be underground.

17.26 B-1 RETAIL BUSINESS DISTRICT.

The purpose of the B-1 Retail Business District is to provide for and encourage the grouping of compatible businesses that will contribute to the further development of the central business district in the downtown area.

(1) PERMITTED USES.

(a) Retail sales and service completely enclosed in a building and not requiring outside storage, including but not limited to the following:

1. Art, school and office supply stores.
2. Antique shops.
3. Appliance and household equipment stores and repair services.
4. Barber shops and beauty parlors.
5. Banks and other financial institutions.
6. Clothing stores.
7. Department, discount and variety stores.
8. Drug stores.
9. Eating and drinking establishments.
10. Entertainment establishments.
11. Food stores.
12. Funeral parlors.
13. Furniture and related household supply stores and repair services.
14. Government offices.
15. Hearing supply businesses.
16. Hotels and motels.
17. Insurance agencies.
18. Jewelry stores.
19. Hardware stores.
20. Medical offices, clinics and hospitals.
21. Newspaper and publishing offices and printers.
22. Photographic studios.
23. Professional offices.
24. Senior citizen centers.
25. Tourist information and hospitality centers.

(b) Dwelling units above ground floor level.

(2) CONDITIONAL USES.

(a) Retail sales and service businesses which require drive up facilities or outdoor storage, including but not limited to the following:

1. Agricultural supplies.
2. Automotive sales, service and repair.
3. Building supply and lumber yards.
4. Farm equipment sales, service and repair.
5. Drive up facilities associated with permitted uses.

- (b) Charitable or nonprofit institutions and facilities.
 - (c) Day care, nursing and group home facilities.
 - (d) Wholesale sales and business supply.
 - (e) Government uses other than business.
 - (f) Utilities.
- (3) **MINIMUM LOT AREA AND WIDTH.**
- (a) There shall be no required minimum lot area or width requirements within the area overlaid by the community design overlay district.
 - (b) Areas outside the community design overlay district require 6,000 sq. ft. lots and 60' lot widths.
 - (c) The principal building on any lot shall have a minimum floor area of at least 1,000 sq. ft.
- (4) **MAXIMUM BUILDING HEIGHT: 45'.**
- (5) **MINIMUM YARDS.** There shall be no minimum yard requirements.

17.27 B-2 HIGHWAY COMMERCIAL DISTRICT.

The purpose of the B-2 Highway Commercial District is to provide an area suitable for commercial establishments which require highway access or provide services to highway users in transit through the City.

- (1) **PERMITTED USES.** Highway oriented retail sales and service businesses, including but not limited to the following:
- (a) Eating and drinking establishments.
 - (b) Gasoline stations.
 - (c) Automotive sales and service.
 - (d) Motels and hotels.
 - (e) Convenience grocery stores less than 4,000 sq. ft.
 - (f) Tourist information centers.
 - (g) Drive up banking facilities.
 - (h) Recreation businesses.
 - (i) Tourist oriented retail sales.

- (2) **CONDITIONAL USES.**
 - (a) All conditional and permitted uses of the B-1Retail Business District; all uses permitted in the B-3 Land Extensive Commercial District which are not specifically permitted in the B-2 Highway Commercial District; government uses; self-service storage facilities; and utilities.
 - (b) Residential use of the first, (ground), floor of a building.
- (3) **MINIMUM LOT AREA AND WIDTH; MINIMUM FLOOR AREA:** 10,000 sq. ft. lot area; 100' minimum lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.
- (4) **MAXIMUM BUILDING HEIGHT:** 35'.
- (5) **MINIMUM YARDS.** Front yard 25'; side yard 15'; rear yard 15'.
- (6) **SCREENING AND BUFFERING.** B-2 highway commercial uses abutting onto an adjacent R-1District may be required to install an opaque fence or to plant flora for purposes of screening and buffering, as determined by the Zoning Administrator or the Plan Commission. The adequacy of the screening shall be determined by the Zoning Administrator or Plan Commission.

17.28 B-3 LAND EXTENSIVE COMMERCIAL DISTRICT.

The B-3 Land Extensive Commercial District is intended to provide for commercial uses which require large land areas for outside storage or display or would otherwise be incompatible with the character and requirements of the B-1Retail Business District or the B-2 Highway Commercial District. The B-3 district is specifically intended to provide a planned center for agribusinesses, building supply and equipment sales and service.

- (1) **PERMITTED USES.** Commercial uses requiring extensive outside storage and display areas including but not limited to:
 - (a) Farm equipment and supply centers.
 - (b) Automotive sales and service.
 - (c) Building supply and lumber yards.
 - (d) Boat sales and service.
 - (f) Construction contractors.
 - (g) Recreation and utility trailer dealers.
 - (h) Equipment rental businesses.
 - (i) Special trade contractors.
 - (j) Gasoline stations.
 - (k) Eating and drinking establishments.

- (2) **CONDITIONAL USES.**
 - (a) Motor freight transportation and warehousing.
 - (b) Agricultural product processing.
 - (c) Wholesale trade.
 - (d) Government uses.
 - (e) Self-service storage facilities.
 - (f) Utilities.
- (3) **MINIMUM LOT AREA AND WIDTH; MINIMUM FLOOR AREA:** 20,000 sq. ft. lot area; 100 ft. minimum lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.
- (4) **MAXIMUM BUILDING HEIGHT:** 35'.
- (5) **MINIMUM YARDS.** Front yard 25'; side yard 15'; rear yard 15'.
- (6) **SCREENING AND BUFFERING.** B-3 land extensive commercial uses abutting onto an adjacent R-1 Residential District may be required to install an opaque fence or to plant for flora for purposes of screening and buffering, as determined by the Zoning Administrator or the Plan Commission. The adequacy of the screening shall be determined by the Zoning Administrator or the Plan Commission.

17.29 M-1 LIGHT INDUSTRIAL DISTRICT.

The M-1 Light Industrial District is intended to provide for warehousing, assembly and manufacturing businesses. This District is intended specifically to encourage the planned development of an industrial park setting for small to medium sized industries.

- (1) **PERMITTED USES:**
 - (a) Permitted uses are light industrial uses including, but not limited to, the following: warehousing; manufacture, fabrication, packing and assembly of products from finished furs or leather, glass, metal, paper, plastic, textiles, wood or other materials; general building contractors; specialty trades; transportation and private utilities facilities, including telephone, computer, gas, electric and television utilities; all governmental uses, including but not limited to water, electric, gas and sewerage processing facilities and utilities.
 - (b) No uses shall be permitted which create nuisances, including without limitation, nuisances in the form of odors, dust, noise or which result in chemical or other pollution of air, water or soils; and provided further, no use shall be considered to be permitted if it requires open storage or outside use of manufacturing equipment, materials or other products.

- (2) **CONDITIONAL USES:** Conditional uses that may be permitted in the light industrial district as authorized by the Plan Commission under Sections 17.40-17.49 include, but are not limited to, the following: self-service storage facilities; wholesale or retail sales and service facilities; motor freight yards, freight terminals and transshipment depots and any other use that the Plan Commission deems appropriate for business and industrial use, provided such uses are compatible with the light industrial district characteristics of the industrial park and are consistent with the purpose of the M-1 District as stated in the Master Plan. Any otherwise permitted use in the M-1 Light Industrial District which requires open storage or outside use of manufacturing equipment, materials or other products are deemed to be conditional uses and require a conditional use permit.
- (3) **MINIMUM LOT AREA AND LOT WIDTH; MINIMUM FLOOR AREA:** 20,000 sq. ft. lot area; 100 ft. lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.
- (4) **MAXIMUM BUILDING HEIGHT:** 40 ft.
- (5) **MINIMUM YARDS:** Front yards, 25 ft.; side yards, 15 ft.; rear yards, 15 ft.
- (6) **SCREENING AND BUFFERING.** M-1 light industrial uses may be required to install an opaque fence or to plant flora for purposes of screening and buffering, as determined by the Zoning Administrator, the Plan Commission, or the Covenant Committee. The Zoning Administrator, the Plan Commission, or the Covenant Committee are authorized to make determinations, in their discretion, of the adequacy of all screening and buffering. Screening, buffering and landscaping must be approved by the Zoning Administrator, or in appropriate cases by the Covenant Committee. Removal of any existing trees must be approved by the Zoning Administrator, or in appropriate cases by the Covenant Committee.

- (7) (a) Noise. At no point on the industrial park boundary nor beyond the property lines of individual lots within the industrial park shall the sound level of any individual operation exceed the limits shown in the following table:

<u>Frequency</u> <u>Cycles per Second</u>	<u>Maximum Sound</u> <u>7:00 A.M. - 10:00 P.M.</u>	<u>Level-Decibels</u> <u>10:00 P.M. - 7:00 A.M.</u>
0-75	70	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1200	46	41
1200-2400	40	41
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octava Ban Analyzer and Sound Level Meter or other approved instruments which comply with the USA Standards prescribed by the United States of America Standards Institute. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, frequency, impulse character, periodic character or shrillness.

(b) Air Contaminants.

- (1) No smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or radioactive substance, waste or particulate, solid, or gaseous matter shall be introduced into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that they interfere with the safe and comfortable enjoyment of life or property or any use permitted in this zoning district.
- (2) The limits on emission for particular contaminants shall be determined and enforced as provided by Wisconsin Department of Natural Resources Administrative Code NR 154.02.

(c) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this Section and other applicable laws and ordinances. No wastes, except clear and unpolluted water, shall be discharged into a storm sewer or roadside ditch or drainage area. All liquid waste disposal shall be in conformance with Wisconsin Administrative Code Chapter ILHR 8-185 and ILHR Chapter 10 NR Chapter 125.

- (d) Electrical Emission. There shall be no electrical emission beyond the property line which adversely affects any other use or adjacent property owners.
- (e) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line so as to constitute a nuisance, hazard or be recognized by a reasonable person as offensive.
- (f) Vibration. There shall be no operation or activity which causes ground transmitted vibrations in excess of the limits set forth below beyond the boundary line of this district, under any conditions, nor beyond the property line if it adversely affects any other use within the District.

<u>Frequency Cycles per Second</u>	<u>Maximum Permitted Displacement Along Boundaries (In Inches)</u>
0-10	.0008
10 to 20	.0005
20 to 40	.0002
40 and over	.0001

17.30 M-2 HEAVY INDUSTRIAL DISTRICT.

The M-2 Heavy Industrial District is intended to provide for industries which require large sites, which may require extensive buffering, and which are of a character involving open storage or manufacture of equipment, materials and other products.

- (1) Permitted Uses: All uses permitted in the M-1 district, and in addition, mineral, stone and aggregate processing, storage and sales, including cement, asphalt and other construction materials; heavy construction contractors; motor freight yards; freight terminals and transshipment depots; warehousing and other inside storage uses.
- (2) Conditional Uses: Retail and wholesale sales and service uses part of, and ancillary to, principal permitted uses; tanneries, rendering and agricultural products processing, storage and sales.
- (3) Minimum Lot Area and Lot Width: 2 acres minimum lot area; 200 feet minimum lot width.
- (4) Minimum Yards. Same as M-1 light industrial district.
- (5) Maximum Building Height: 45 feet.
- (6) Screening, Buffering and Landscaping: The same as required for M-1 light industrial district as provided in Section 17.29(6).

(7) Performance Standards. All uses in the Boscobel Industrial Park shall comply with the following performance standards.

(a) Noise. At no point on the industrial park boundary nor beyond the property lines of the individual lots within the industrial park shall the sound level of any individual operation exceed the limits shown in the following table:

<u>Frequency Cycles per Second</u>	<u>Maximum Sound 7:00 A.M. - 10:00 P.M.</u>	<u>Level-Decibels 10:00 P.M. - 7:00 A.M.</u>
0-75	70	67
75-150	67	62
150-300	59	54
300-600	53	47
600-1200	46	41
1200-2400	40	35
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octava Ban Analyzer and Sound Level Meter or other approved instruments which comply with the USA Standards prescribed by the United States of America Standards Institute. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, frequency, impulse character, periodic character or shrillness.

(b) Air Contaminants.

1. No smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or liquid radioactive substance, waste or particulate, solid or gaseous matter which shall be introduced into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that they interfere with the safe and comfortable enjoyment of life or property or any use permitted in this zoning district.
2. The limits on emission for particular contaminants shall be determined and enforced as provided by Wisconsin Department of Natural Resources Administrative Code NR 154.02.

(c) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this Section and other applicable laws and ordinances. No wastes, except clear and unpolluted water, shall be discharged into a storm sewer or roadside ditch or drainage area. All liquid waste disposed shall be in conformance with Wisconsin Administrative Code Chapter ILHR 8-185 and ILHR Chapter 10 NR and Chapter 125.

- (d) Electrical Emission. There shall be no electrical emission beyond the property line which adversely affects any other use or adjacent property owners.
- (e) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line so as to constitute a nuisance, hazard or be recognized by a reasonable person as offensive.
- (f) Vibration. There shall be no operation or activity which causes ground transmitted vibrations in excess of the limits set forth below beyond the boundary line of this district, under any conditions, nor beyond the property line if it adversely affects any other use within the district.

<u>Frequency Cycles per Second</u>	<u>Maximum Permitted Displacement Along Boundaries (In Inches)</u>
0-10	.0008
10 to 20	.0005
20 to 40	.0002
40 and over	.0001

17.31 AT AGRICULTURAL TRANSITION DISTRICT.

The AT Agricultural Transition District is intended to provide for agricultural land which is within the City, which is expected to continue in agricultural production for a period of at least five years. The district is designed to meet the criteria of the Wisconsin Farmland Credits.

(1) PERMITTED USES.

- (a) Beekeeping, dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing, greenhouses, viticulture, paddocks, equestrian trails, nature trails, stables, forest and game management, livestock and poultry raising (except for commercial operations), roadside stands not exceeding one per farm and similar agricultural uses.
- (b) No more than 2 single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use. Detached single family units shall have a minimum floor area of at least 1,000 sq. ft.

(2) CONDITIONAL USES.

- (a) Fish and fur farms, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, sale and service of machinery uses in agricultural production, utility uses except transmission corridors, alcohol fuel stills and similar agriculturally related business uses.

- (b) The storage and sale of seed, feed, fertilizer and other products essential to farm production.
- (c) Housing for seasonal farm laborers.
- (d) Utilities.
- (e) Government uses.
- (f) Placement of a mobile home for use as a farm related building.

(3) LOT AREA REQUIREMENTS.

- (a) Farm Units Minimum35 acres
- (b) Additional Farm RelatedMinimum 20,000 sq. ft.
Housing Minimum80,000 sq. ft.
- (c) Agriculturally RelatedMinimum 1 acre

(4) MINIMUM YARDS.

- (a) Additional farm related housing shall comply with the provisions of the R-1 Residential District.
- (b) Farm Buildings:
 - 1. Side YardMinimum 50'
 - 2. Rear YardMinimum 50'

(5) MAXIMUM BUILDING HEIGHTS. Two times their distance from adjacent lot lines.

(6) PREEXISTING RESIDENCES. In the agricultural preservation districts that do not conform to district standards may be continued in residential use and shall not be subject to any limitations imposed by ss. 17.80 - 17.84, Nonconforming Uses.

(7) LOTS. Any lot or parcel of less than 35 acres that is recorded under separate ownership in the Office of the Register of Deeds at the time of adoption of this chapter may be used as a single residential building site provided that it can comply with the standards of the R-1 Residential District.

(8) STRUCTURES. Farm related structures remaining after farm consolidation may be divided from the farm provided that it can comply with the provisions of the R-1 Residential District.

17.32 PUD – PLANNED UNIT DEVELOPMENT DISTRICT.

The Planned Unit Development District is established to promote improved environmental design and innovative uses of land in the City. To this intent, this district allows variation in the relationship of uses, structure and open spaces in developments conceived and implemented as cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this chapter and the City Master Plan.

- (1) **PERMITTED USES.** Any otherwise lawful residential, governmental, commercial, manufacturing or industrial use may be permitted subject to the criteria listed below, but all conditions or requirements which are made a part of an approved development plan shall be construed to be and enforced as part of this chapter.
- (2) **LOT, BUILDING YARD AND PARKING REQUIREMENTS.** In the Planned Unit Development District there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of the approved development plan shall be construed to be and enforced as a part of this Chapter.
- (3) **CRITERIA FOR APPROVAL.** As a basis for determining the acceptability of application for rezoning to the planned unit development district, the following criteria shall be applied to the proposed development plan:
 - (a) The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation and topography.
 - (b) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.
 - (c) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to insure public safety as determined by the City.
 - (d) The proposed development shall not place avoidable street on the City's water supply, sanitary sewer and storm water drainage systems.
 - (e) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.
- (4) **PROCEDURE.**
 - (a) Step 1: Procedure for Rezoning.

1. The procedure for rezoning to the Planned Unit Development District shall be the same as for any other zoning district change (ss 17.100 -17.106), except that in addition, a general development plan (GDP) shall be submitted to the Plan Commission. The general development plan of the proposed project shall be presented at a scale of 1" = 100' and shall show at least the following information.
 - a. The pattern of public and private roads, driveways and parking facilities.
 - b. A description of land uses and building types, size and arrangements.
 - c. A utility feasibility analysis.
 - d. The location of recreational and open space areas reserved or dedicated to the public.
 - e. General landscape treatment.
 - f. The plan for phasing the development.
 - g. Any other data required by the City Plan Commission or Board.
2. Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

(b) Step 2: Specific Implementation Plan Approval.

1. Detailed plans and construction drawings are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a specific implementation plan (SIP). The specific implementation plan submitted by the applicant shall include the following:
 - a. A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways and parking facilities.

- b. The location and treatment of open space areas.
 - c. The arrangement of building groups and all final landscape plans.
 - d. Architectural drawings and sketches illustrating the design of proposed structures.
 - e. A utility plan locating all utility installations.
 - f. A stormwater drainage and erosion control plan.
 - g. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned unit development.
2. At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions or contractual agreements with the City shall be recorded with the Register of Deeds before final issuance of building permits.
- (c) Modifications. Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class I notice.

17.33 C CONSERVATION DISTRICT.

The Conservation District is established to preserve and perpetuate in an open state certain areas such as lakes, wetlands, streams, floodplains, woodlands, and areas of aesthetic value.

- (1) **PERMITTED USES.** Public or private parks, recreation areas and wildlife refuges providing biking, fishing and hunting opportunities; harvesting of wild crops; timber harvesting; pasturing of livestock and construction of fences; cultivation of agricultural crops; duck blinds; construction of landings, piers, docks and walkways; repair of roads and bridges. No dredging, filling or excavating related to permitted uses may be allowed without a conditional use permit.
- (2) **CONDITIONAL USES.** Public and semipublic uses; marinas; and land altering activities such as dredging, filling or excavating; private campground facilities excluding motor vehicle parks and similar uses.

- (3) MINIMUM LOT AREA: 2 acres.
- (4) MINIMUM LOT FRONTAGE: 200'.
- (5) MINIMUM YARD REQUIREMENTS: Front 60'; side 60'; rear 100'.
- (6) MAXIMUM BUILDING HEIGHT: 35'.

17.34 CD DOWNTOWN HISTORIC DISTRICT.

The CD Downtown Historic District, also known as the CD Community Design District (Overlay District), is hereby revoked. All previous provisions of this section 17.34 of the Boscobel Municipal Code are repealed in its entirety.

Any references within the Boscobel Municipal Code to Section 17.34 CD Downtown Historic District, also known as the CD Community Design District (Overlay District), shall be bound by the zoning ordinance provisions of Section 17.26 B-1 Retail Business District.

CONDITIONAL USES

17.40 STATEMENT OF PURPOSE

There are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. The following provisions are then established to regulate those conditional uses which require special consideration.

17.41 DEFINITIONS

- (1) "Conditional Use" is a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the City, but does not include a variance.
- (2) "Substantial Evidence" is facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

17.42 PERMIT.

The Plan Commission, after a public hearing, shall, within a reasonable time, grant or deny any application for conditional use. Prior to granting or denying a conditional use, the Plan Commission shall make findings of fact based on evidence presented and issue a

determination whether the prescribed standards are met. No permit shall be granted when the Plan Commission determines that the standards are not met, nor shall a permit be denied when the Plan Commission determines that the standards are met. Written findings of fact shall, at a minimum, address the standards enumerated in Section 17.44 Review and Approval. All findings shall be based solely upon the evidence within the public record.

17.43 APPLICATION.

Applications for Conditional Use Permits shall be made in duplicate to the Zoning Administrator on forms provided by the Zoning Administrator's Office. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all Parties in Interest located within 200 feet of the property for which the permit is sought.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
- (3) Plat of survey prepared by a registered land surveyor showing all the information required for a Building Permit under Section 17.14(3), existing and proposed landscaping, and Utility Services information as required under Section 17.14(4).
- (4) Additional information as may be required by the Director of Public Works, Building Inspector, Zoning Administrator, or Plan Commission.
- (5) Fee receipt from the City Clerk in an amount as provided under Section 1.10(32) of this Code.

17.44 REVIEW AND APPROVAL.

- (a) The City Plan Commission shall review the site plan, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water service information as required by this ordinance and the proposed operation in light of the standards specified under s. 17.45.
- (b) The City Plan Commission shall hold a public hearing for each application for a conditional use permit. A Class 2 notice of such hearing shall be published and all Parties in Interest within 200 feet of the lot lines of the premises where the proposed conditional use is to be located shall be notified in writing by regular first class mail.

- (c) Meetings of the Plan Commission shall be held on an as needed basis as determined by the Commission. Applicants shall be charged the fees as provided under s. 1.10(32) of this Code. The City Clerk shall notify all Parties in Interest, as listed by the applicant 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.

17.45 STANDARDS

- (1) Except as provided under s. (2), no conditional use shall be granted by the City Plan Commission unless the City Plan Commission shall find that the applicant has provided substantial evidence that all the conditions specified in s. (a) through (e) are met. The Plan Commission may also impose conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate using substantial evidence that all requirements and conditions established by the Plan Commission related to the conditional use are or shall be satisfied. If the applicant meets or agrees to meet all of the requirements or conditions, then the Plan Commission must grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. Any condition imposed must be reasonable and, to the extent practicable, measurable.

Conditions that must be met are:

- (a) That the conditional use will not be detrimental or endanger the public health, safety, comfort or general welfare or 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.
 - (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
 - (c) That adequate utilities, access road, drainage and/or necessary facilities or site improvements have been or are being provided.
 - (d) 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.
 - (e) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- (2) In appropriate circumstances, the Plan Commission may determine that a conditional use is reasonable in order to accommodate disabled persons. In such a case, the Plan Commission may grant a conditional use permit based on a finding that the grant of the conditional use permit provides a reasonable accommodation

to disabled persons irrespective of whether all of the conditions specified in s. (1) are met.

17.46 ADDITIONAL REQUIREMENTS:

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, may be required by the City Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

17.47 EFFECT OF DENIAL OF CONDITIONAL USE PERMIT

No application for a conditional use that has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Building Inspector.

17.48 COMPLIANCE OF CONDITIONAL USE PERMIT

- (1) In any case where a conditional use has not been established within one (1) year after the date of granting the permit for such use, then, without further action by the City Plan Commission, the conditional use or authorization shall be null and void.
- (2) Any conditional use hereafter granted shall thereby remain a conditional use and is to be handled and governed thereafter as a conditional use. The failure of any person receiving a conditional use permit, or such person's successors in interest or assigns, to comply with the requirements of the permit may result, in addition to any other penalty provided by this ordinance, in revocation or modification of the permit by the City Plan Commission after the permittee, or the permittee's successors or assigns, has been given notice of an opportunity to be heard on the alleged noncompliance. The Zoning Administrator shall maintain a record of all conditional use permits issued and applications for which conditional use permits have been denied.

17.49 APPEAL.

Any person aggrieved by the grant or denial of a conditional use permit may appeal the decision of the Plan Commission to the Board of Zoning Appeals or may appeal to Circuit Court as provided under Wis. Stat. sec. 62.23(7)(de)(5). Appeals to the Board of Zoning Appeals must specify the grounds thereof in respect to the findings of the Plan Commission the reason why the appellant is aggrieved and must be filed with the office of the City Clerk within 20 days of the final action. The City Clerk shall transmit such appeal to the Secretary of the Board of Zoning Appeals. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the applicant and the appellant(s) and decide the same within a reasonable time. The action of the Plan Commission shall be deemed just and equitable unless the Board of Zoning Appeals by a majority vote of Board members present and voting reverses or modifies the action appealed from. No other entity has jurisdiction to hear any such appeal and the avenue of appeal provided for herein is exclusive."

TRAFFIC, PARKING AND ACCESS

17.50 TRAFFIC VISIBILITY.

- (1) No obstructions, such as structures, parking or vegetation shall be permitted in any district between the height of 2-1/2' and 10' above the plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of 25' from their intersection.
- (2) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50'.

17.51 LOADING REQUIREMENTS.

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

17.52 PARKING REQUIREMENTS.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased off street parking stalls for all vehicles in accordance with the following:

- (1) **ACCESS.** Adequate access to a public street shall be provided for each parking space, and driveways within 20' of public streets right-of-way shall be at least 10' wide for parking areas for less than 10 vehicles and 20' for parking lots for 10 or more vehicles.
- (2) **SIZE.** Size of each parking space shall be not less than 162 sq. ft. exclusive of the space required for ingress and egress.
- (3) **LOCATION.** Location to be on the same lot as the principal use or not over 400' from the principal use.
- (4) **LIGHTING.** Any lighting used to illuminate an off street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.
- (5) **SCREENING OF PARKING AREAS.** When a required off street parking area for 6 cars or more is located within 15' of a street right-of-way line, there shall be a landscape barrier of wood or masonry fence of not less than 3-1/2' nor more

than 6' in height along such lot lines. Parking areas in the M-1 and M-2 districts shall be exempt from this screening requirement.

- (6) SURFACING. All off street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking areas for more than 6 vehicles shall have the aisles and spaces clearly marked.
- (7) CURBS. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(8) NUMBER OF PARKING STALLS REQUIRED.

(a)	Single Family Dwellings	2 stalls for each dwelling unit
(b)	Multifamily Dwellings (Housing for Elderly Exempted)	1.5 stalls for each dwelling unit; garage spaces and driveways leading to garages may both count as parking stalls
(c)	Hotels, Motels	1 stall for each guest room plus 1 stall for each 3 employees
(d)	Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodging and Boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
(e)	Rest and Nursing Homes	1 stall for each 5 beds plus 1 stall for each 3 employees
(f)	Medical and Dental Clinics	3 stalls for each doctor
(g)	Churches, Theaters, Auditoriums, Community Centers, Vocational and Night Schools, and other Places of Assembly	1 stall for each 10 seats
(h)	Colleges, Secondary and Elementary Schools	1 stall for each 2 employees
(i)	Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 stall for each 300 sq. ft. of floor area
(j)	Manufacturing and Processing Plants, Laboratories and Warehouses	1 stall for each 3 employees
(k)	Financial Institutions, Business, Governmental and Professional Offices	1 stall for each 300 sq. ft. of floor area
(l)	Funeral Homes	1 stall for each 4 seats
(m)	Bowling Alleys	5 stalls for each alley
(n)	Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.	
(o)	In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.	
(p)	The Design Committee may reduce the required parking for developments within the Community Design District pursuant to s. 17.34.	

(9) TRUCK, TRAILER AND RECREATIONAL VEHICLE PARKING RESTRICTED.

- (a) No Road Tractor, Truck Tractor, Semitrailer, Tractor-semitrailer (all as defined in §340.01 Wis Stats), or other motor vehicle, or combination thereof, except recreational vehicle as defined by §340.01(48r), Wis. Stats, shall be parked for a period of more than two (2) hours in any R-1, R-2, MH or B-1 district, including adjacent streets/alleys/right-of-way, unless the vehicle is parked in a building.
- (b) Recreational vehicles, as defined by the State of Wisconsin, § 340.01(48r) (“Recreational Vehicle” is defined as a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, that does not exceed 45’ feet in length), shall be allowed in residential zoning districts, rear and side yards at least 3’ off of property lines, or in front yard on a hard surface not creating a visual nuisance.
- (c) Any City police officer may issue a written temporary 48-hour parking permit allowing the parking of a vehicle which is otherwise prohibited by subsection (a) in cases where the vehicle is disabled, or where emergency conditions exist which threaten life, health or property and the parking of the vehicle in a prohibited area will lessen the threat posed by the existing emergency, or, in the case of a recreational vehicle only, where the owner or user of the vehicle is not a resident of the City.
- (d) Reference section 12.09(2) of this municipal code for further regulations regarding recreational vehicles and their use as housing.

MODIFICATIONS

17.60 HEIGHT.

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modifications shall be in accord with the following:

- (1) ARCHITECTURAL PROJECTIONS. Spires, belfries, parapet walls, cupolas, domes, flues, chimneys and other architectural projections are exempt from the height limitations of this chapter.
- (2) SPECIAL STRUCTURES. Elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, windmills, substations, smoke stacks, solar collectors and other special structures are exempt from the height limitations of this chapter.

- (3) **ESSENTIAL SERVICES.** Utilities, water towers, electric power, communication transmission lines and other essential services are exempt from the height limitations of this chapter.
- (4) **COMMUNICATION STRUCTURES.** Radio and television transmissions and relay towers, aerials, observation towers and other communication structures shall not exceed in height 3 times their distance from the nearest lot line.
- (5) **AGRICULTURAL STRUCTURES.** Barns, silos, windmills and other agricultural structures shall not exceed in height twice their distance from the nearest lot line.
- (6) **PUBLIC OR SEMIPUBLIC FACILITIES.** Schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, stations and other public or semipublic facilities may be erected to a height of 60' provided all required yards are increased not less than 1' for each foot the structure exceeds the district's maximum height requirement.

17.61 YARDS

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) **UNCOVERED STAIRS.** Landings, fire escapes and uncovered stairs may project into any yard but not to exceed 6' and not closer than 3' to any lot line.
- (2) **ARCHITECTURAL PROJECTIONS.** Chimneys, flues, sills, eaves, belt courses, ornaments, solar collectors and other architectural projections may project into any required yard.
- (3) **RESIDENTIAL FENCES.**
 - (a) Fences are permitted on the property lines in residential districts but shall not exceed a height of 6 feet 6 inches, (1.98 meters), in the side and rear yards; shall not exceed a height of 4 feet, (1.22 meters), in the front yard; and shall not be closer than 2 feet, (0.61 meters), to any public right-of-way in the front or side yards of the lot.
 - (b) All fences, landscaped walls or decorative posts shall be erected so as to locate the visible supports and other structural components toward the subject property, except for structures that are finished equally toward adjoining properties.
 - (c) Residential fences shall be constructed only of materials manufactured for use as residential fencing and never opaque metal of any kind. Upon application, the Plan Commission may approve other materials.
 - (d) Residential fences may not be located in any vision triangle.

- (e) A corner lot is deemed to have two front yards.
- (4) **SECURITY FENCES.** Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10' in height and shall be of an open type similar to woven wire or wrought iron fencing except for buffering or screen.
- (5) **ACCESSORY USES.** Accessory uses and detached accessory structures are permitted in the rear yard only.
- (6) **ESSENTIAL SERVICES.** Utilities, electric power, communication transmission and other essential services are exempt from the yard and distance requirements of this chapter.
- (7) **LANDSCAPING.** Vegetation and landscaping are exempt from the rear requirements of this chapter.

17.62 ADDITIONS.

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

17.63 AVERAGE STREET YARDS.

- (1) The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side.
- (2) Where the established building setback as determined by the average building set back on the block face in any residential or business district is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.
- (3) On a reversed corner lot, each yard abutting a street shall be governed by the front yard requirements.

17.64 SPECIAL YARD PROVISIONS IN AREAS WITHOUT PUBLIC SEWER.

In areas where public sewerage service is not available, the required minimum lot area and lot width in any district shall be modified to meet the requirements of the Wisconsin Administrative Code regulating sanitary waste disposal.

17.65 UTILITY SHEDS UNDER 120 SQ. FT.

Utility sheds under 120 sq. ft. may be allowed within a 2' setback from lot lines unless adjacent to an alley or public street right-of-way.

17.66 GARAGES ON ALLEYS.

Garages facing alleys require a 20' setback from the rear lot line. Garages facing the front or side yards away from alleys require a 3' setback from rear lot lines.

SIGNS

17.70 SIGNS

- (1) **PURPOSE.** The purpose of this section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the city limits of the City of Boscobel. This section recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication. This code authorizes the use of signs visible from public rights-of-way, provided the signs are:
 - (a) Compatible with the Zoning Regulations as set forth in this Chapter.
 - (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
 - (c) Legible, readable and visible in the circumstance in which they are used.
 - (d) Respectful of the reasonable rights of others and of other advertisers whose messages are displayed.
- (2) **ADMINISTRATION.** The Zoning Administrator shall administer this section and is referred to herein as the Sign Inspector.
- (3) **DEFINITIONS.** Definitions adopted for reference in this Section are as follows:
 - (a) Abandoned Sign - A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product.
 - (b) Area of Copy/Gross Area - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement or decoration of a wall sign.
 - (c) Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled.
 - (d) Banner - Any sign printed or displayed upon cloth or other flexible material without rigid backing.
 - (e) Billboard - See "Off Premises Signs"
 - (f) Building Fascia - That portion of a building which is parallel or nearly parallel to the abutting roadway.
 - (g) Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.
 - (h) Canopy Sign - Any sign attached to or constructed in, on or under a canopy or marquee. For the purpose of this section, canopy signs shall be controlled by the rules governing projecting signs.

- (i) Changeable Message Sign - A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as a part of it, a changeable message sign.
- (j) Directional Sign - Any sign which serves to designate the location of or direction to any place or area.
- (k) Double-faced Sign - A sign with copy on two faces, facing in different directions.
- (l) Electric Sign - Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- (m) Electric Sign Contractor - A person, partnership, or corporation which, in the normal course of business, frequently installs and maintains electric signs.
- (n) Electronic Message Sign - A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.
- (o) Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent, flashing or rotating light by means of animation, or an eternally mounted intermittent light source, not including changeable message signs.
- (p) Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- (q) Ground Sign - A sign erected on one or more free-standing supports or uprights and not attached to any building.
- (r) Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
- (s) Legal Nonconforming Sign - A nonconforming sign that did meet code regulations when it was originally installed.
- (t) Nonconforming Sign - A sign that does not meet code regulations.
- (u) Portable Sign - Any sign not permanently attached to the ground or a building.
- (v) Off-Premises Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs people to a different location from where the sign is located.
- (w) On-Premises Sign - Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.
- (x) Projecting Sign - A sign, normally double-faced, which is attached to and projects from a structure or building fascia. The area of projecting signs is calculated on one face only.
- (y) Roof Sign - A sign erected upon, against or above a roof.
- (z) Sandwich Sign - A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near a roadway.
- (aa) Shopping Center - A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shapes to the trade area which the unit serves.
- (bb) Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-

illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

- (cc) Sign Contractor - Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs.
- (dd) Sign Inspector - That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this code. The Zoning Administrator is herein referred to as the Sign Inspector.
- (ee) Sign Structure - Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
- (ff) Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (gg) Temporary Sign - A sign that is temporary in nature (not to exceed 30 days in existence).
- (hh) Wall Sign - A sign attached to the wall of a building with the face in a parallel plane of the building wall. This includes signs painted directly on a wall.
- (ii) Window Sign - A sign installed on a window for the purpose of viewing from outside the premises.

17.71 PERMITS REQUIRED

It shall be unlawful for any person to erect, construct, enlarge, relocate or structurally modify a sign or cause the same to be done in the City of Boscobel without first obtaining a sign permit for each such sign from the Zoning Administrator as is required by this section. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

- (1) **APPLICATION FOR PERMIT.** Application for a Permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:
 - (a) Name and addresses and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor involved in the project.
 - (b) Identification of the subject location of the sign including Zoning District.
 - (c) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size dimensions and kind of materials to be used in such structure.
 - (d) A site plan showing the building on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.

- (e) Such other information as the Sign Inspector may require to show full compliance with this and all other applicable laws of the City of Boscobel.
 - (f) Signature of the applicant and owner if not the applicant.
 - (g) Fee Receipt for required permit fees.
- (2) **PERMIT ISSUANCE AND DENIAL.** The Sign Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Boscobel when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the City of Boscobel. If the sign permit is denied by the Sign Inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial along with the return of all permit fees and papers.
- (3) **APPEALS.** Appeals may be filed in accordance with Section 17.94 of this Code. The Sign Inspector's failure to either formally grant or deny a sign permit within five days of the date an application meeting the requirements of this section is filed, shall be cause for appeal to the Zoning Board of Appeals.

17.72 CONSTRUCTION AND MAINTENANCE

- (1) **CONSTRUCTION SPECIFICATIONS.** All signs shall comply with the provisions of the City of Boscobel Zoning Code and the additional construction standards hereinafter set forth.
- (a) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
 - (b) Electric service to ground signs shall be concealed wherever possible.
- (2) **GENERAL DESIGN REQUIREMENTS**
- (a) Any ground sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of 10 feet between the bottom of the sign and grade at the right-of-way line or shall be not more than 3 feet in height.
 - (b) Canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of 8 feet.
 - (c) Projecting signs may extend not further than six feet from the building to which they are attached, nor be less than 10 feet, bottom of sign to grade.
 - (d) No sign structure may be located in the public right of-way.
 - (e) A roof sign may not extend more than 10 feet above the highest point of the

roof on which it is installed, or the height limit for ground signs, whichever is less.

- (f) The gross area of permanent window signs shall not exceed 25% of the gross window area of any given building fascia.
- (g) Any sign location that is accessible to vehicles shall have a minimum vertical clearance of 15 feet.
- (h) No sign facing a Residential Zoned District shall be closer than 25 feet to that district line.

(3) **INSTALLATION AND MAINTENANCE SAFETY.** All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This section recognized that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Sign Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Sign Inspector may also cite the sign contractor for a violation of this ordinance if he fails to use proper equipment in the maintenance of signs.

- (a) Every sign, including but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
- (b) The Sign Inspector shall require compliance with all standards to this section. If the sign is not maintained to comply with the standards outlined in this section, the Sign Inspector shall require its removal in accordance with this section.

(4) **REMOVAL AND DISPOSITION OF SIGNS.**

- (a) **Abandoned Signs** - At the termination of a business, commercial or industrial enterprise, all signs shall, within thirty (30) days, be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings. If the owner fails to remove the sign, the Sign Inspector shall give the owner thirty (30) days written notice to remove said sign. Upon failure to comply with this notice, the City of Boscobel may cause removal to be executed, the expenses of which will be assessed to the tax roll listing of the property on which the abandoned sign is located.
- (b) **Deteriorated or Dilapidated Signs.** - The Zoning Administrator shall cause to be removed, any deteriorated or dilapidated signs under the provisions of Wisconsin Statute 66.0413.

- (c) **Illegal Signs.** - A sign illegally placed on any public property shall immediately be removed and destroyed by the City and its cost of removal and destruction shall be charged to the party who placed the sign.

17.73 NON-CONFORMING AND PROHIBITED SIGNS

(1) LEGAL NON-CONFORMING SIGNS

- (a) Signs lawfully existing at the time of the adoption or amendment of this section may be continued, although the use, size or location does not conform with the provisions of this section, however, shall be deemed nonconforming uses or structures and the provisions of Section 17.70 shall apply.
- (b) **Maintenance and Repair** - Nothing in this section shall relieve the owner or user of a legal non- conforming sign or the owner of the property on which the sign is located from the provisions of this section regarding safety, maintenance and repair of signs.

(2) PROHIBITED SIGNS. The following signs shall be prohibited within the City of Boscobel:

- (a) **Abandoned Signs**
- (b) **Business and industrial signs** may be internally lighted or illuminated by a hooded reflector, provided however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited. Any sign with lighting detrimental to traffic visibility or safety is prohibited.
- (c) **Swinging Signs** over 50 square feet in area.
- (d) Signs which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
- (e) Signs which are an imitation of, or resemble in shape, size, copy or color, an official traffic sign or signal.
- (f) **Advertising Vehicles.** No Person shall park any vehicle or trailer on a public right-of-way or on private property so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

17.74 SIGNS NOT REQUIRING A PERMIT

The following signs do not require a permit within the City of Boscobel:

- (1) **CONSTRUCTION SIGNS.** Two construction signs per construction site, not exceeding 100 square feet in area each, confined to the site of construction. Such Sign shall be removed within thirty days after completion of construction or prior to occupancy, whichever is sooner.
- (2) **DIRECTION AND INSTRUCTIONAL NON-ELECTRIC SIGNS,** which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
- (3) **NON-ILLUMINATED EMBLEMS OR INSIGNIAS** of any nation or political subdivision, profit or non-profit organization, less than ten (10) square feet each in area.
- (4) **GOVERNMENT SIGNS.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- (5) **HOME OCCUPATION SIGNS.** Signs associated with the home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area.
- (6) **HOUSE NUMBERS AND NAME PLATES.** House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- (7) **INTERIOR SIGNS.** Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however exempt such signs from the construction, maintenance and safety sections of this section.
- (8) **MEMORIAL SIGNS AND PLAQUES.** Memorial Signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material, which do not exceed four (4) square feet in area.
- (9) **NO TRESPASSING OR NO DUMPING SIGNS.** No trespassing and no dumping signs not to exceed four (4) square feet in area.
- (10) **PUBLIC NOTICES.** Official notices posted by public officers or employees in the performance of their duties.
- (11) **PUBLIC SIGNS.** Signs required as specifically authorized for a public purpose by any law, statute or ordinance.

- (12) **POLITICAL AND CAMPAIGN SIGNS.** Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
- (a) Said signs may be erected not earlier than forty-five (45) days prior to the election and shall be removed with five (5) days following said day of voting.
 - (b) Each sign, except billboards, shall not exceed nine (9) square feet in non-residential zoning districts and six (6) square feet in residential zoning districts.
 - (c) No sign shall be located within fifteen feet of the public right-of-way, a street intersection nor on or over the right-of-way.
- (13) **REAL ESTATE SIGNS.** One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
- (a) In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.
 - (b) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.
- (14) **TEMPORARY WINDOW SIGNS.** In business, commercial, and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 75% of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs may not be posted for a period longer than forty-five (45) days.
- (15) **ON-PREMISES SYMBOLS OR INSIGNIAS.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- (16) **ON-PREMISES TEMPORARY SIGNS.** Such signs not exceeding thirty-two (32) square feet in area pertaining to special events provided such signs comply with the following:
- (a) Such signs may not be posted more than thirty (30) days before an event and removed within 2 days after the close of the event.
 - (b) Such signs must be located as so not to obstruct the visibility from any intersection or driveway.

- (c) Such signs must be adequately supported and anchored.
- (d) Such signs must not be located in any street or alley right-of-way.
- (17) **VEHICULAR SIGNS.** Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
- (18) **NEIGHBORHOOD IDENTIFICATION SIGNS.** In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
- (19) **TEMPORARY SIGNS.** Such as garage sale signs or school signs that may not be posted more than thirty (30) days, shall not be located in the public right-of-way, shall not be taller than three (3) feet, and shall not exceed six (6) square feet in area.

17.75 SPECIAL SIGNS

The following signs may be allowed with a special permit issued by the Zoning Administrator:

- (1) **SUBDIVISION OR DEVELOPMENT SIGNS** - A temporary sign in any Zoning District in connection with the marketing of lots or structures in a subdivision or development subject to the following restrictions:
 - (a) Such permits may be issued for a period of not more than one (1) year and may be renewed for additional periods of up to one (1) year upon written application at least 30 days prior to expiration.
 - (b) Signs as used in this section refer to all types of signs except those excepted or prohibited by this ordinance.
 - (c) The sign must be located on the property being developed and must comply with all applicable building setback requirements for the district.
 - (d) The sign may not exceed thirty-two (32) square feet.
 - (e) One sign is allowed for each five acres of the subdivision or development with a maximum of one sign if the subdivision or development is under 5 acres.
- (2) **ON PREMISES BANNERS AND OTHER PROMOTIONAL ACCESSORIES** - Promotional accessories such as searchlights, symbols, displays, portable stands, pennants, etc., may not be used on a permanent basis provided such banners and promotional accessories comply with the following:

- (a) In residential districts, such promotional accessories may be used in conjunction with an open house or model home demonstration, an auction services conducting an auction or on the premises of an approved "Conditional Use" in the district for special events for up to 5 days before the opening of such demonstration or event and must be removed within 2 days of the close of such demonstration or event and may not be displayed for more than thirty consecutive days.
 - (b) In business and industrial districts, such promotional accessories will be allowed for special sale promotions, grand opening celebrations, etc. not to exceed a period of 30 days.
 - (c) All such devices and accessories must be located on the premises, not encroach onto any street or alley right-of-way, and be located in a manner that will not obstruct visibility at any intersection or driveway.
- (3) **OFF PREMISES UNLIGHTED SPECIAL EVENT SIGNS AND BANNERS**
 - Off premises unlighted event banners not exceeding one hundred square feet and off premises temporary event signs not exceeding thirty-two square feet may be allowed in the business and industrial zoned Districts with a special permit issued by the Zoning Department. No sign or banner shall be taller than 8 feet measured from the ground to the top of sign or banner. Temporary event signs and banners are to be located on no more than four locations per event and no more than one sign or one banner per location. No temporary event sign or banner to be located on any property zoned residential or being used for residential purposes. No temporary event signs or banners to be placed on, over, or within the public right-of-way or within the vision triangle as defined by the ordinance.
- (a) Over the Street Banners
 1. An over the street banner is defined as a flexible, horizontal sign with rope or cable supports across an entire roadway.
 2. The lowest portion of the banner located over any street may not be lower than seventeen (17) feet above the traveled portion of the roadway over which the banner is located.
 3. The event sponsor must obtain authorization from the utility company controlling any posts to which the banner is attached.
 4. No over the street banners are allowed over any roadway that is part of the state trunk highway system or a connecting highway.
 5. Over the street banners are prohibited except with special permission from the City Council in consultation with the Plan Commission and Board of Public Works and with a special sign permit issued by the Zoning Administrator. Proof of insurance for any over the street banner must be filed with the City-

Administrator's Office prior to the erection of any such banner or sign.

- (b) Temporary Event Banners and Signs Located on Private Property.
 - 1. Event banners and signs located on private property must be erected in a manner that will not obstruct visibility from any intersection or driveway and shall be secured to prevent the banner or sign from extending into any public way.
 - 2. Authorization of the owner of the property must be submitted with application for temporary sign or banner. No temporary event sign or banner shall be located on public property without special permission to use the public property from the City Administrator. Although granted permission from the City Administrator to use the public property in this way, an applicant for a temporary sign must still secure a special sign permit issued by the Zoning Administrator and comply with all requirements of this chapter. Nothing in this ordinance shall prohibit the City from placing banners and signs on City property for City sponsored events.
 - 3. No temporary event sign or banner shall be erected that advertises an event held outside the corporate limits of the City without special permission from the Common Council.
- (c) No temporary event banners or signs may be displayed more than 30 calendar days before an event and temporary banners, signs and sign mounting structures and/or cables must be removed within 2 calendar days of the close of the event.
- (d) If a temporary event banner is placed in violation of this ordinance, it shall be removed within 12 hours of notification by the Police Department. For each day the violation is not corrected, a fine shall be levied as set forth annually by Resolution of City Council. In the event that the sign is not removed within 10 days of the notice, the sign shall be removed and destroyed by the City and, in addition to the daily fine imposed, its cost of removal and destruction shall be charged to the party who placed the sign and to the owner upon whose property the sign is located. In addition, if the event being advertised is located on City-owned property, the special event permit shall be revoked if compliance is not achieved by the end of the first five days. Each sign in violation shall be considered a separate violation.

17.76 SIGNS PERMITTED BY ZONING DISTRICTS.

(1) RESIDENTIAL AND MOBILE HOME DISTRICTS.

(a) Permitted Signs

1. Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal nonconforming use or public or utility use in the zoning district.
2. Special Signs authorized by the Zoning Administrator.
3. Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall be limited to an area not exceeding six (6) square feet. Such sign shall not be closer to the ground than three (3) feet and shall not extend higher than six (6) feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of Sec. 17.76(2)(a)(6).

(b) Signs Permitted by Conditional Use Permit (CUP) Approval by the City Plan Commission.

1. Business Identification signs for Conditional Uses or for existing non-conforming uses based on the following:
 - a. Wall signs and directional signs and one ground sign per street
 - b. Area restrictions of twenty-four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a building fascia facing a right-of-way.
 - c. Height Restrictions: Ground signs are not to exceed a height of six (6) feet.
 - d. Setbacks: All ground signs must be at least ten (10) feet from interior side of rear lot lines and completely outside the public right-of-way.
2. Off-premises signs providing there is compliance with requirements of Section 17.76(2)(a)(6).

(c) Prohibited Signs.

1. Electronic Variable Message Signs (EVMS).
 - a. For the purpose of this section, an EVMS shall be defined as a sign whose informational content can be changed or altered

by manual or electric, electro- mechanical or electronic means.

- b. Existing signs may be replaced or repaired as long as the size of said sign is not increased or the illumination is not increased.

(2) COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

(a) Permitted Signs

- 1. Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
- 2. Special Signs authorized by the Zoning Administrator.
- 3. Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in Section 17.76(1)(a)(3).
- 4. Wall, window, Marquee, Directional, Canopy, Ground Signs, Projecting or Roof Signs, in connection with permitted, conditional or legal non-conforming uses in the Zoning District, subject to the following restrictions and regulations:
 - a. One projecting or roof sign per frontage road.
 - b. The area of projecting signs or roof signs may not exceed four (4) square feet per lineal foot of lot frontage to a maximum of 500 square feet.
 - c. Height restrictions. Ground and projecting signs may not exceed thirty (30) feet in height.
 - d. Spacing. Projecting signs may be spaced no closer than twenty-five (25) feet from the nearest projecting sign.
 - e. Projecting signs must be a minimum of 10 feet from the bottom of the sign to grade.
- 5. Shopping Center Signs subject to the following restrictions and regulations:
 - a. One shopping center identification sign with the height limitation of thirty (30) feet is permitted. If shopping center is on a corner, either one corner sign or two signs, one on

each street may be permitted. If two signs are installed, they must be placed at least 200 feet from the lot corner of the intersection.

- b. Area Restriction for shopping center identification signs are based on two (2) square feet of sign area per lineal foot of lot frontage.
 - c. Ground signs including shopping center identification signs and directional signs must be set back at least ten (10) feet from the right of way line of abutting streets.
 - d. Tenant wall, window and marquee signs are permitted such signs are limited to eight (8) square feet per lineal foot of building frontage, not to exceed 500 square feet in area.
6. Off-Premises Signs are permitted subject to the following restrictions and regulations:
- a. A maximum of two (2) off-premises signs per property may be permitted provided the signs do not face residences located in a residential zoning district or are placed outside the minimum building and landscape setback requirements as required in the zoning code for the district in which the sign is located.
 - b. Off-Premises Signs may not exceed three hundred (300) square feet in area per sign, including border and trim, but not including uprights.
 - c. Off-premises signs may not be spaced closer than three hundred (300) feet apart, facing the same directions; measurements shall be taken along the right- of-way of the abutting roadway.
 - d. Off-premises signs shall be minimum of 75 feet from an occupied residential dwelling when facing said residential dwelling.
 - e. Off-premises signs may not exceed thirty (30) feet in height from grade to the top of sign structure. Minimum distance from grade to the bottom of the sign is eight (8) feet.

(3) PLANNED COMMUNITY DEVELOPMENT DISTRICT.

Signage in a planned development shall be controlled by the provisions in the plan for the business development, as adopted by the City Plan Commission, but shall not exceed the signage restrictions for the surrounding geographical area.

17.77 PENALTIES

- (1) Violation or failure to comply with the provisions of this section shall be and hereby is declared to be unlawful.
- (2) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this section shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. In the event that the owner does not remove said sign or bring said sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll listing of the property on which the non-complying sign is located. Compliance within 30 days shall also require the payment of double the fees required.
- (3) This section shall not preclude the City of Boscobel from maintaining any appropriate action to prevent or remove a violation of this section including issuance of a citation for violation hereof.

NONCONFORMING USES, STRUCTURES AND LOTS

17.80 EXISTING NONCONFORMING USES.

- (1) The lawful use of a building or premises existing at the time of the effective date of this Chapter (September 24, 1982), or which was lawful at the time of any amendment hereto, may be continued although such use does not conform with the Provisions of this ordinance. Such nonconforming use may not be extended. If such nonconforming use is discontinued for a period of 12 months, any future use of the building or premise shall conform to this chapter.

17.81 REPAIR OR REPLACEMENT.

- (1) Repair, rebuilding, and maintenance of certain nonconforming structures.
 - (a) In this paragraph:
 1. “Development regulations” means the part of a zoning ordinance that applies to elements including setback, height, lot coverage, and side yard.
 2. “Nonconforming structure” means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

- (b) An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- (2) Restoration or replacement of certain nonconforming structures.
- (a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to subd. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - 1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - (b) An ordinance enacted under this subsection to which subd. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

17.82 EXISTING NONCONFORMING STRUCTURES.

Structures being used in conformity with the regulations of the R-1A, R-1, and R-2 Districts but which do not conform to the district's requirements with respect to minimum lot dimensions, building width, floor space, foundation requirements or minimum yards, may be extended, modified, or added to, but only as a conditional use permitted by the Plan Commission under the provisions of Sections 17.40-17.49, except that strict compliance with s. 17.43(3) may be waived where any provision mentioned therein is the cause of the structure's nonconformity. To the extent practical, any extension or modification of, or addition to, such a nonconforming structure shall not make the structure any more nonconforming, shall meet the requirements of this chapter, and all such extensions, modifications and additions shall meet the requirements of applicable building codes.

17.83 CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

17.84 NONCONFORMING LOTS.

A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter but which is at least 30' wide and 4,000 sq. ft. in area may be used as a single-family building site provided that the use is permitted in the zoning district, the lot is of record in the County Register of Deed's office prior to the effective date or amendment of this chapter and all required setbacks relating to public streets and alleys are met.

BOARD OF ZONING APPEALS

17.90 ESTABLISHMENT.

There is hereby established a Board of Zoning Appeals for the City for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

17.91 MEMBERSHIP.

The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor and confirmed by the City Council.

- (1) TERMS. Staggered 3-year periods.
- (2) CHAIRMAN. Designated by the Mayor.
- (3) ALTERNATE MEMBER. Appointed by the Mayor for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (4) SECRETARY. The City Clerk or designated representative of the City Clerk.
- (5) ZONING ADMINISTRATOR. Shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (6) OFFICIAL OATHS. Taken by the members in accordance with s. 19.01, Wis. Stats., within 10 days of receiving notice of this appointment.
- (7) VACANCIES. Filled for the unexpired term in the same manner as appointments for a full term.

17.92 ORGANIZATION.

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

- (1) MEETINGS. Held at the call of the Chairman and shall be open to the public.
- (2) MINUTES OF THE PROCEEDINGS. a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- (3) CONCURRING VOTE. Four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation and permit a utility, temporary, unclassified or substituted use.

17.93 POWERS.

The Board of Zoning Appeals shall have the following powers:

- (1) ERRORS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the course of enforcing this chapter.
- (2) VARIANCES. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement results in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
- (3) SUBSTITUTIONS. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

17.94 APPEALS AND APPLICATIONS.

Appeals may be made by any person aggrieved or by an officer, department, board or commission of the City. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- (2) Site plan showing all of the information required under s. 17.14 for a zoning permit.

- (3) Additional information required by the Plan Commission, City Engineer, Board of Zoning Appeals or Zoning Administrator.

17.95 HEARINGS.

The Board of Appeals shall fix a reasonable time for the hearing of an appeal or other matter referred to it, and give public notice thereof pursuant to Wis. Stat. §19.84, as well as due notice to all Parties in Interest, as provided by the Board's Rules of Procedure, Section 5A.

17.96 FINDINGS.

No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate in the minutes of its proceedings.

- (1) **EXCEPTIONAL CIRCUMSTANCES.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
- (2) **PRESERVATION OF PROPERTY RIGHTS.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) **ABSENCE OF DETRIMENT.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.97 DECISION.

- (1) The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant zoning Administrator and Plan Commission.
- (2) Conditions may be placed upon any zoning permit ordered or authorized by this Board. Approvals granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

17.98 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

CHANGES AND AMENDMENTS

17.100 AUTHORITY.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

17.101 INITIATION.

A change or amendment may be initiated by the City Council, or any member thereof, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

17.102 PETITIONS.

Petitions for any change to the district boundaries or amendment to the regulations shall be filed with the City Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (1) Plot plan drawn to a scale of 1" = 100' showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200' of the area proposed to be rezoned.
- (2) Owner's names and addresses of all properties lying within 200' of the area proposed to be rezoned.
- (3) Additional information required by the Plan Commission or City Council.

17.103 RECOMMENDATIONS.

The Plan Commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing, subject to Class 2 notification, and shall recommend that the petition be granted as requested, modified or denied.

17.104 CITY COUNCIL'S ACTION.

Following such hearing and after careful consideration of the Plan Commission's recommendations, the City Council shall vote on the passage of the proposed change or amendment.

17.105 PROTEST.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100' therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100' from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full City Council membership.

17.106 PENALTY.

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in s. 25.04 of this Municipal Code.

Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this _____ day of _____, 2025, by the Common Council of the City of Boscobel, Grant County, Wisconsin.

CITY OF BOSCOBEL

BY: _____
Brenda L. Kalish, Mayor

ATTEST: I, Patricia A. Smith, City Administrator, do hereby certify that Chapter 17 Zoning Code of the City of Boscobel Municipal Code has been repealed and recreated as stated above, and has been approved by the Common Council of the City of Boscobel, Grant County, Wisconsin, at a meeting held on _____, 2025.

Patricia A. Smith, City Administrator

Date Adopted: _____

Effective Date: _____