



**Planning Commission
Regular Meeting**

Agenda

205 S Webster Ave
Omro, WI 54963
www.omro-wi.com

Barbara J Van Clarke
(920) 685-7000

Tuesday, July 14, 2026

6:00 PM

Council Chambers

- 1. Call to Order**
- 2. Roll Call**
- 3. Adoption of Minutes**
 - a. June 9, 2026 Planning Commission Meeting Minutes
- 4. Public Hearing**
 - a. Zoning Amendment 715 Michigan Street, Aaron Martin - C-1 Central Commercial to R-1 Single Family Residential
- 5. Certified Survey Map - 715 Michigan Street, Aaron Martin**
 - a. Review of Certified Survey Map - 715 Michigan Street
- 6. Certified Survey Map - 700-800 Block E. Huron Street, Hoffman Homes LLC**
 - a. CSM Documents
- 7. Conceptual Review and Discussion of Proposed H & R Land Residential Development Prior to Submission of a Certified Survey Map (Informational Only – No Action Requested)**
 - a. Conceptual Drawing
- 8. Conceptual Review and Discussion of Parcel 265-000101 Poygan Road for 15' Utility Easement with Future Certified Survey Map**
 - a. Conceptual Drawing (Reference)
- 9. Vacation of Street Right-of-Way - Portion of Krenz Road**
 - a. Discussion and Possible Action on Vacation of Street Right of Way - Krenz Road / Western Border of Mobile Home Park to the South
- 10. Urban Keeping of Chickens**
 - a. Discussion and Possible Action on Chicken Permit for 320 Jackson Avenue-Darren Maynard
- 11. Ordinance Language Review**

- a. Cargo Containers, Shipping Containers, Portable Storage Units, Storage Trailers, Temporary Storage Units, and Outdoor Storage Ordinance Review

12. Adjournment



Planning Commission

Regular Meeting

~ Minutes ~

205 S. Webster Avenue
Omro, WI 54963
<http://www.omro-wi.com/>

Barbara J Van Clake (920) 685-7000

Tuesday, June 9, 2026

6:00 PM

Council Chambers

Call to Order

Mayor Mary Berndt called the meeting to order at 6:02 p.m. in the Council Chambers of Omro City Hall.

Roll Call

Attendee Name	Organization	Title	Status	Arrived
David L Weiss	City of Omro	Commissioner	Present	
Steve Franz	City of Omro	Commissioner	Present	
Samuel Mingo	City of Omro	Public Works Director	Present	
Daniel Krier	City of Omro	Commissioner	Present	
Todd Simons	City of Omro	Commissioner	Present	
Mary Berndt	City of Omro	Commissioner	Present	
Darin Treleven	City of Omro	Commissioner	Absent	
John Blazel	City of Omro	Attorney	Absent	
Barbara J Van Clake	City of Omro	Clerk/ Deputy Treasurer	Present	

Adoption of Minutes

Planning Commission -
Regular Meeting - Mar
10, 2026 6:00 PM

Steve Franz motioned and David L Weiss seconded to approve the minutes of Planning Commission - Regular Meeting - Mar 10, 2026 6:00 PM as presented.

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Steve Franz, Commissioner
SECONDER: David L Weiss, Commissioner
AYES: Weiss, Franz, Mingo, Krier, Simons, Berndt
ABSENT: Darin Treleven

Extra-Territorial Certified Survey Map Review - Michael Schuster, Broderick Road

Staff presented a review of the proposed Extraterritorial Certified Survey Map submitted by Michael Schuster for property located on Broderick Road in the Town of Omro. Staff explained that the proposed land division was reviewed for consistency with Chapter 16 of the Omro Municipal Code and evaluated for impacts on future planning, transportation, utilities, environmental considerations, and annexation interests.

Commission members discussed the location of the property and reviewed parcel mapping information to verify the area affected by the proposed land division. Following review of GIS mapping and parcel information, the Commission confirmed the location and configuration of the proposed lots. Staff reported that the proposed land division was consistent with City subdivision regulations and long-range planning objectives and recommended approval.

recommend approval of
the Extraterritorial

Daniel Krier motioned and Samuel Mingo seconded to recommend approval of the Extraterritorial Certified Survey Map submitted by

Certified Survey Map submitted by Michael Schuster for property located on Broderick Road in the Town of Omro, finding that the proposed land division is consistent with Chapter 16 of the City of Omro Municipal Code and does not adversely affect the City's future planning, transportation, utility, environmental, or annexation interests, and to forward the recommendation to the Common Council for final consideration.

Michael Schuster for property located on Broderick Road in the Town of Omro, finding that the proposed land division is consistent with Chapter 16 of the City of Omro Municipal Code and does not adversely affect the City's future planning, transportation, utility, environmental, or annexation interests, and to forward the recommendation to the Common Council for final consideration. as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Daniel Krier, Commissioner

SECONDER: Samuel Mingo, Public Works Director

AYES: Weiss, Franz, Mingo, Krier, Simons, Berndt

ABSENT: Darin Treleven

Discussion and Possible Action on Development of Ordinance Regarding Use of Shipping Containers and Outdoor Storage

The Commission conducted an extensive review of draft Ordinance No. 514 establishing regulations for cargo containers, shipping containers, portable storage units, storage trailers, temporary storage units, and outdoor storage within the City of Omro.

Staff reviewed the purpose and intent of the ordinance, explaining that the regulations are intended to:

- Protect neighborhood character and aesthetics;
- Prevent visual blight and nuisance conditions;
- Ensure compatibility with surrounding land uses;
- Maintain public safety and accessibility;
- Provide reasonable temporary storage options; and
- Prevent long-term use of temporary storage structures as permanent buildings where inconsistent with zoning regulations.

The Commission reviewed and discussed definitions contained within the ordinance, including cargo containers, portable storage units, construction storage containers, storage trailers, and semi-trailer storage units. Topics discussed included:

Residential District Regulations

- Limiting portable storage units to temporary use associated with moving, remodeling, or temporary storage.
- Thirty-day duration limits with potential extensions approved by the Zoning Administrator.
- Prohibition of permanent shipping containers and storage trailers within residential zoning districts.
- Clarification of authorization requirements for placement within public rights-of-way.

- Potential conflicts involving recreational trailers, boat trailers, ATV trailers, and snowmobile trailers.
- Enforcement considerations and impacts on existing accessory structure regulations.

Construction Site Storage

- Allowing storage containers during active construction projects.
- Removal requirements following completion of construction or expiration of building permits.
- Clarification of placement requirements related to sidewalks, driveways, setbacks, fire lanes, and traffic visibility.

Residential Overlay Districts

Commission members discussed inclusion of the R-5 Planned Development Overlay District within the ordinance to ensure future residential developments are adequately addressed.

Commercial District Regulations

Discussion included:

- Temporary use of containers within commercial districts.
- Screening requirements when visible from streets or adjacent residential properties.
- Location requirements behind principal buildings whenever practicable.
- Use of conditional use permits for long-term container storage.
- Administrative review procedures and zoning compliance requirements.

Industrial District Regulations

The Commission discussed:

- Permitting shipping containers as accessory storage structures.
- Compliance with yard setbacks and industrial park covenants.
- Limiting stacking of containers. Commission members generally favored limiting stacked containers to a single container height rather than allowing two stacked containers.
- Maintenance requirements.
- Outdoor storage screening requirements.
- Compatibility with Omro Area Development Corporation industrial park covenants.

Storage Trailer Regulations

The Commission discussed challenges associated with distinguishing between semi-trailers used for active business operations and those used solely for long-term storage. Additional review and clarification were requested prior to final ordinance consideration.

Design Standards

The Commission discussed maintenance requirements, screening standards, painting requirements, graffiti removal, and restrictions on advertising displayed on containers.

Permit Requirements

Discussion included permit requirements for temporary storage units exceeding fourteen days and clarification of when permits would be required in conjunction with active building permits.

Nonconforming Uses

The Commission reviewed provisions requiring existing nonconforming containers and storage units to be brought into compliance or removed within 180 days of ordinance adoption.

Outdoor Storage Regulations

The Commission reviewed draft outdoor storage regulations applicable to residential, commercial, and industrial districts. Discussion included:

- Prohibitions on outdoor storage within required front yards.
- Storage of commercial materials in residential districts.
- Storage of construction materials unrelated to active construction.
- Screening requirements.
- Outdoor storage of recreational equipment trailers.
- Clarification of provisions affecting trailers and other equipment not specifically addressed elsewhere in the ordinance.

Commission members identified several sections requiring additional clarification and directed staff to revise the ordinance for future review, including:

- Clarification of trailer definitions.
- Treatment of recreational trailers and equipment.
- Semi-trailer storage provisions.
- Permit requirements.
- Applicability to R-5 Overlay Districts.
- Screening and visibility standards.
- Commercial business trailer regulations.

No formal action was taken. Staff was directed to revise the ordinance as directed during meeting showing the mark up of changes and return it to the Planning Commission for further review and consideration.

Adjournment

adjourn the meeting at
7:20 PM

Commissioner Dan Krier requested that the Planning Commission review ordinance regulations of garages and accessory buildings, including the existing 1,200 square foot limitation for garage and accessory structure storage. Staff will provide the ordinance for review on the next agenda and invite the building inspection department to attend the meeting if possible.

Samuel Mingo motioned and Steve Franz seconded to adjourn the meeting at 7:20 PM as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Samuel Mingo, Public Works Director

SECONDER: Steve Franz, Commissioner
AYES: Weiss, Franz, Mingo, Krier, Simons, Berndt
ABSENT: Darin Treleven

Respectfully Submitted by,



Barbara Van Clarke, WCPC, MMC
Clerk /Deputy Treasurer



**NOTICE OF PUBLIC HEARING
CITY OF OMRO PLANNING COMMISSION
ZONING AMENDMENT CASE NO. 01-2026ZON**

TO:

Applicant
Planning Commission
Building Inspector / Zoning Administrator
Adjacent Property Owners
Adjacent Townships (if required)

RE: Public Hearing on Proposed Zoning Map Amendment

To Whom It May Concern:

Notice is hereby given that the Planning Commission of the City of Omro will conduct a **Public Hearing on** Tuesday, July 14, 2026, at 6:00 p.m. in the Council Chambers of Omro City Hall, located at 205 S. Webster Avenue, Omro, Wisconsin.

The purpose of the public hearing is to consider a zoning amendment request submitted by Aaron Martin concerning property identified as Tax Parcel No. 265-020801, located at 715 Michigan Street, Omro, Wisconsin 54963, and legally described as:

OUTLOTS SOUTH OF FOX RIVER, OUTLOT 63, EXCEPT THE EAST 183 FEET OF THE SOUTHERLY 183 FEET; GOVERNMENT LOT 2, SECTION 18, T18N, R15E, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

The property is currently zoned with C-1 Central Commercial. The applicant is requesting that a portion of the property, identified as Lot 2 of the corresponding Certified Survey Map (CSM), be rezoned from C-1 Central Commercial to R-1 Single-Family Residential.

The remaining portion of the property, identified as Lot 1 of the corresponding CSM, will retain its C-1 Central Commercial zoning designation and contains an existing commercial rental storage facility. The existing commercial rental storage facility on Lot 1 constitutes legal nonconforming use and will remain subject to the applicable provisions of the City of Omro Municipal Code.

The City's Comprehensive Plan Future Land Use Map designates the subject property as R-1 Single-Family Residential; therefore, no amendment to the Future Land Use Map is required.

If approved, the proposed zoning amendment would rezone a portion of Tax Parcel No. 265-020801 from C-1 Central Commercial to R-1 Single-Family Residential. The portion proposed for rezoning contains an existing residential dwelling, which will remain residential use.

Notice of this public hearing is being provided to all property owners located within 200 feet of the subject property and to neighboring townships within 1,000 feet of the subject property, as required by applicable law.

All persons interested in or affected by the proposed zoning amendment are invited to attend the public hearing and provide testimony or comments in support of or opposition to the proposed amendment.

CITY OF OMRO PLANNING COMMISSION

Submitted by:

Barbara J. Van Clake, MMC, WCPC
City Clerk / Deputy Treasurer
City of Omro

Publication: Publish as a Class 1 notice in the July 2, 2026 edition of the Omro Herald and send electronic affidavit of publication to the City of Omro.



AFFIDAVIT OF MAILING

Zoning Amendment #01-2026ZONE

Barbara J. Van Clarke, City Clerk, being first duly sworn upon oath, hereby states that on the 26th day of June 2026, she caused true and correct copies of the Notice of Public Hearing concerning the **zoning amendment request of** Aaron Martin for the property identified as Tax Parcel No. 265-020801, located at 715 Michigan Street, Omro, Wisconsin 54963, to be deposited in the United States mail.

The subject property is currently zoned C-1 Central Commercial. The applicant requests rezoning Lot 2 of the corresponding Certified Survey Map (CSM) from C-1 Central Commercial to R-1 Single-Family Residential. Lot 1 of the corresponding CSM will retain its C-1 Central Commercial designation and contains an existing commercial rental storage facility, which constitutes a legal nonconforming use and remains subject to the applicable provisions of the City of Omro Municipal Code.

The City's Comprehensive Plan Future Land Use Map designates the subject property as R-1 Single-Family Residential; therefore, no map amendment is required.

If approved, the amendment would rezone the portion of Tax Parcel No. 265-020801 containing the existing residential dwelling from C-1 Central Commercial to R-1 Single-Family Residential, with the residential use to remain.

Notices were mailed to the following parcels within a 200' radius of petitioning property(s) and township property located within 1000' radius of the petitioning property and to the members of the Planning Commission.

List of Property Owners within 200' of parcel 265-020801

PARCEL NO.	PROPERTY OWNER	MAILING ADDRESS	CITY	ST	ZIP
265-020801	Aaron Martin	715 Michigan Street	Omro	WI	54963
016-044002	Ross Van Dyn Hoven	N4618 Vine Rod	Kaukauna	WI	54130
016-044101	Eric L and Kelly Rennert	1043 Tyler Avenue	Oshkosh	WI	54902
016-044902	Taylor and Kelsey Vandenbogart	1228 Depere Street	Menasha	WI	54952
265-0209	Eric L and Kelly Rennert	1043 Tyler Avenue	Oshkosh	WI	54902
265-091801	Donald and Steven Cady	611 Jackson Avenue	Omro	WI	54963
265-0913	Huron Street LLC	520 W. Huron Street	Omro	WI	54963
265-020601	Dwight and Cynthia Bruss	231 Cleveland Avenue	Omro	WI	54963
265-0207	Blair M Tischeafer	621 Michigan Street	Omro	WI	54963
265-020603	David and Justine Krause	607 Michigan Street	Omro	WI	54963
265-0206	Dwight and Cynthia Bruss	231 Cleveland Avenue	Omro	WI	54963
265-020602	Vickie Carpenter and Jeffrey Koss	307 Cleveland Avenue	Omro	WI	54963
265-020802	Brittany and Matthew Martin	705 Michigan Street	Omro	WI	54963

265-0208	Weiss Family Irrevocable Trust	711 Michigan Street	Omro	WI	54963
265-09760801	Amanda and Jonah Krug	614 Michigan Street	Omro	WI	54963
265-097610	Ross A Bench	585 W. Larrabee Street	Omro	WI	54963
265-020503	Manuel and Briana Denman	630 Michigan Street	Omro	WI	54963
265-020504	Jason and Nancy Weller	640 Michigan Street	Omro	WI	54963
265-1244	Sheila S Labrie	410 Kennedy Avenue	Omro	WI	54963
265-020502	Mark and Patricia Winski	431 Grant Avenue	Omro	WI	54963
265-1245	Jeffrey and Janine King	422 Kennedy Avenue	Omro	WI	54963
	Eric Evensen and Courtney				
265-020505	Kohlhoff	742 Michigan Street	Omro	WI	54963
265-1240	Margaret A Schneider	421 Kennedy Avenue	Omro	WI	54963
Town of Omro	Town Clerk Dana Woods	4205 Rivermoor Road	Omro	WI	54963
Commissioner	Mary Berndt	1026 Whispering Way	Omro	WI	54963
Commissioner	Todd Simons	750 Jennifer Court	Omro	WI	54963
Commissioner	David L. Weiss	711 Michigan Street	Omro	WI	54963
Commissioner	Daniel Krier	206 E. River Drive	Omro	WI	54963
Commissioner	Steve Franz	651 E. Main Street	Omro	WI	54963
Commissioner	Darin Treleven	833 McKinley Avenue	Omro	WI	54963
Commissioner	Sam Mingo	P.O. Box 399	Omro	WI	54963
City Attorney	John Blazel	P.O. Box 191	Berlin	WI	54923
City Clerk	Barbara J. Van Clarke	P.O. Box 399	Omro	WI	54963

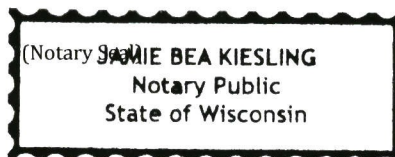
Barbara J. Van Clarke

Barbara J. Van Clarke, MMC, WCPC
City Clerk / Deputy Treasurer

Winnebago County,
State of Wisconsin

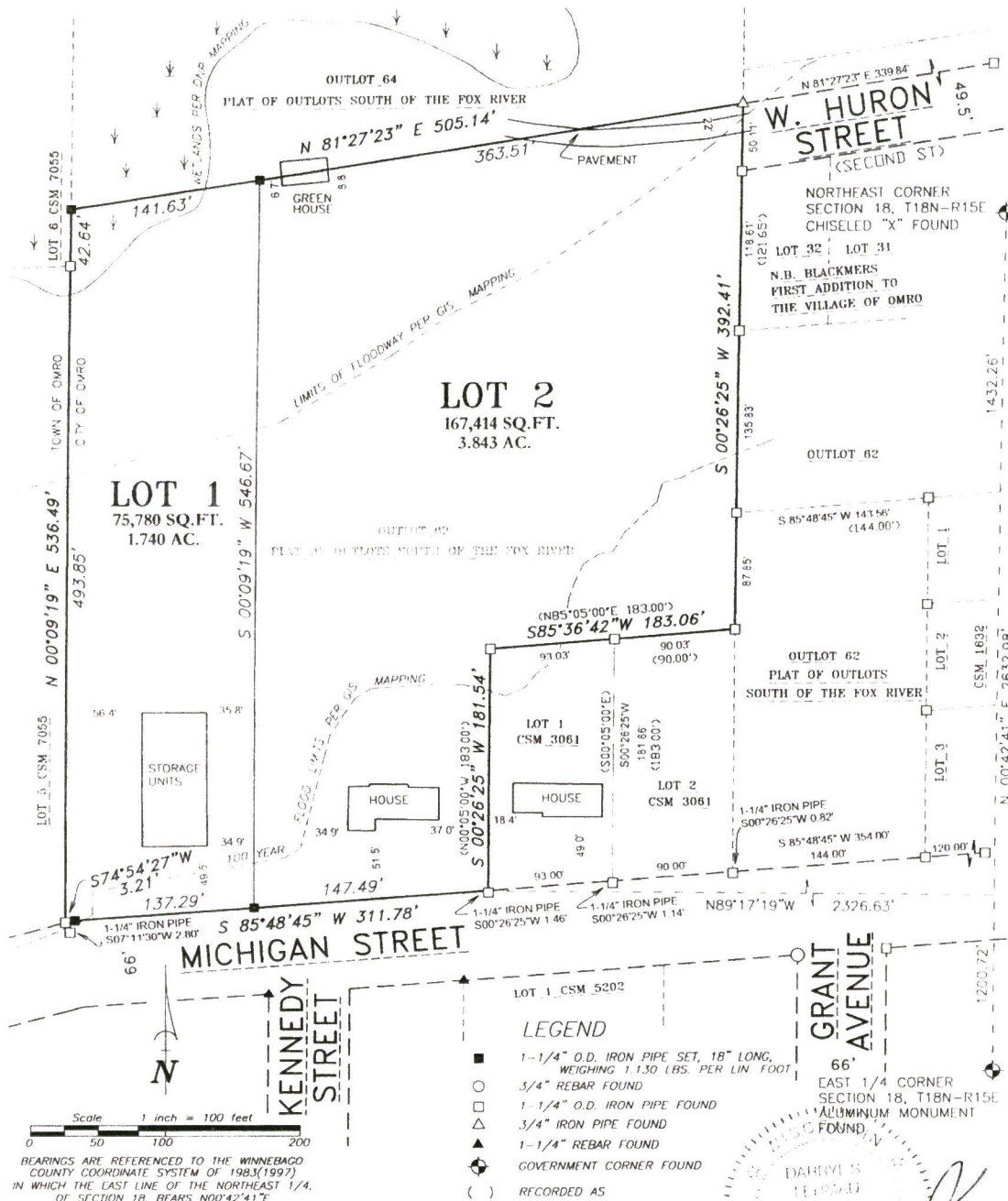
Subscribed and sworn before me on
this 26th day of June 2026

Jamie B. Kiesling
Jamie B. Kiesling, Notary
(Notary Seal) Expiration JAN 5, 2030



PART OF OUTLOT 63 "PLAT OF OUTLOTS", SOUTH OF THE FOX RIVER, BEING PART OF GOVERNMENT LOT 2, IN SECTION 18, TOWNSHIP 18 NORTH, RANGE 15 EAST, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

SURVLY FOR:
AARON MARTIN
715 MICHIGAN STREET
OMRO, WI 54963



Martenson & Eisele, Inc.

m.e.

101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 0-3019-001
FILE 3019001CSM SHEET 1 OF 3

This instrument was drafted by: DSL

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CITY OF OMRO

PLANNING COMMISSION

APPLICATION FOR

REZONING OF PROPERTY

FOR CITY USE ONLY

Consultation Appt Date: 6/22/2026

Application Date: 6/22/2026

Application Fee: \$600.00

Application Fee Paid: ☒ Yes ☐ No

Receipt #: 81435

Date Received: 6/23/2026

Received By: Barbara J. Van Clarke

Application Complete: ☒ Yes ☐ No

Planning Commission Date: July 14, 2026

Public Hearing Date: July 14, 2026

Common Council Date: July 21, 2026

Planning Commission Recommendation:

☐ Approval ☐ Approval with Conditions ☐ Denial ☐ Tabled

Common Council Action:

☐ Approved ☐ Approved with Conditions ☐ Denied

Ordinance No.: N/A

Notes/Conditions: _____

Dear Members of the Omro City Council and Fellow Residents of Omro,

I am writing to share my intentions regarding my property and to request your consideration of a rezoning proposal. Specifically, I intend to separate the storage unit portion of the property from the house by rezoning the house portion to residential use.

My purpose in pursuing this rezoning is straightforward. I would like to create a clear distinction between the residential and commercial portions of the property, making it easier to manage and maintain each use appropriately. This change is intended to improve the organization of the property and help ensure that it remains a positive part of the community.

I want to emphasize that I have no plans to develop the property beyond its current use. This request is not being made to facilitate new construction, expand commercial operations, increase density, or pursue any future development project. My goal is simply to clean up and improve the property while establishing a proper zoning designation for the residential portion.

The storage units will continue to operate as they currently do and will remain an important service for the residents of Omro and the surrounding area. Affordable and convenient storage space is a valuable resource for homeowners, renters, families, and local businesses. I understand the importance of providing that service to the community, and I am committed to maintaining the storage facility in a responsible and professional manner.

In addition to creating a more logical separation of uses, this rezoning will allow the residential portion of the property to be recognized and managed as a residence, while the storage units can continue operating independently. I believe this approach benefits both the property and the community by promoting good property management and preserving an existing local service without introducing any new impacts on neighboring properties.

As a property owner, I take pride in maintaining my property and being a good neighbor. My intention is to continue improving the appearance and condition of the property over time, ensuring that it remains an asset to the community. I believe this rezoning request is a reasonable step toward that goal.

I appreciate the time and consideration of the City Council and the residents of Omro as you review this proposal. Thank you for your attention to this matter and for your continued commitment to our community. I would be happy to answer any questions and discuss the proposal further if needed.

Sincerely,

Aaron Martin
715 Michigan street
Omro, WI 54963
920-379-5368



Planning Commission

Regular Meeting

~ Minutes ~

205 S. Webster Avenue
Omro, WI 54963

<http://www.omro-wi.com/>

Barbara J Van Clarke (920) 685-7000

Tuesday, February 10, 2026

6:00 PM

Council Chambers

Call to Order

Mayor Steve Jungwirth called the Planning Commission meeting to order at 6:00 PM in the council chambers at Omro City Hall.

Roll Call

Attendee Name	Organization	Title	Status	Arrived
Steve Jungwirth	City of Omro	Commissioner	Present	
David Weiss	City of Omro	Commissioner	Absent	
Cory Andersen	City of Omro	Commissioner	Absent	
Steve Franz	City of Omro	Commissioner	Present	
Samuel Mingo	City of Omro	Public Works Director	Present	
Daniel Krier	City of Omro	Planning Commissioner	Present	
John Blazel	City of Omro	Attorney	Present	
Cindy Ostrander	City of Omro	Commissioner	Present	
Barbara J Van Clarke	City of Omro	Clerk/ Deputy Treasurer	Present	

Adoption of Minutes

Planning Commission -
Regular Meeting - Nov
11, 2025 6:00 PM

Cindy Ostrander motioned and Samuel Mingo seconded to approve the minutes of Planning Commission - Regular Meeting - Nov 11, 2025 6:00 PM as presented.

RESULT: ACCEPTED [UNANIMOUS]

MOVER: Cindy Ostrander, Commissioner

SECONDER: Samuel Mingo, Public Works Director

AYES: Jungwirth, Franz, Mingo, Krier, Ostrander

ABSENT: David Weiss, Cory Andersen

Discussion and Possible Action on Certified Survey Map - Aaron Martin, 715 Michigan Street

Discussion on a possible action on a survey map, Aaron Martin, 715 Michigan Street. Staff and the City Attorney reviewed the proposed Certified Survey Map (CSM) to divide parcel 265-020801. The property is currently zoned C-1 Commercial and contains a legally nonconforming storage facility. The Comprehensive Plan designates the area for residential use.

Discussion focused on the appropriateness of approving the CSM prior to resolving zoning consistency, concerns regarding future commercial use in a predominantly residential area, access and infrastructure constraints, and the need for a public hearing should rezoning be pursued.

This property before for consideration of land division is currently all zoned C-1 Commercial and it is occupied by a house and a large storage facility for rent to the public. Storage facilities are not allowed in C1 zoning district. So the structure is considered non-conforming existing, meaning that it can be there as long as they're not changing it. It cannot be expanded with additional storage

facilities on that portion of the land split requested. The other land split separates the house onto its own lot.

Mr. Martin is requesting that the house lot and the property directly to the north of that lot be zoned R-1 Single Family Residential. He is requesting that the lot with the storage facility remain zoned C-1 Commercial. This entire area, is on our comprehensive plan designated as R-1 Single Family Residential, indicating that the city plans for residential growth in this area.

Attorney Blazel stated that the options would be to leave it all C-1 or zone it all R-1, or a combination. Obviously, R-1 would be advantageous zoning for the individual home property. The C-1 zoned storage building is legally non-conforming or grandfathered right now. If we changed it to R1, it would still be legally non-conforming or grandfathered, but it would be consistent then with what the comprehensive plan says and then they wouldn't be able to have commercial use on that property. This property abuts the Town of Omro property border line on the west side.

Right now we are unable to determine the best division of the parcel until we know what the zoning is and what the property owner's development plans are for the future. The zoning amendment requires a public hearing process with a class 2 publication in the newspaper prior to the hearing. It must be noticed to the surrounding property owners within 200' for at least 10 days prior to the hearing date.

The property owner will be notified by staff and informed of the CSM being tabled until such time as a zoning amendment application be submitted to the city. Once that is received, along with a written development plan, the administration can schedule and publish requirements for a public hearing on the matters.

Sam Mingo reported that the city is currently working with the lumbar yard on property line issues regarding portions of their building being on the street right of way. The lumbar yard is looking to expand in the near future.

Sam also reported that he needs to look into the properties to see if housing would even be an option without a lift station for sanitary sewer. This might make the subdivision for housing ambitious for that area. He is not opposed to keeping commercial over there. "I know it goes against kind of the city's development plans, but with the building centre looking to expand and be a prominent business over there, I'm not necessarily opposed to leaving some commercial either, but that's just my thoughts. When that was made, I'm not sure it was fully considered, some of the utilities in that area."

It was the consensus of the commission that the zoning amendment requests be addressed before acting on the CSM.

to table consideration
of the Certified Survey

Samuel Mingo motioned and Steve Franz seconded to to table
consideration of the Certified Survey Map pending resolution of zoning

This packet is intended to promote transparency, consistency, accountability, and sound land use decision-making while creating a complete record supporting the City's legislative action regarding zoning map amendments.

APPLICATION INFORMATION

Application Number: 01- ZONE
Date Submitted: 6/22/2026
Application Fee: _____
Receipt Number: _____
Escrow Deposit (if applicable): _____

SECTION 1 – APPLICANT INFORMATION

Applicant Name: Aaron Martin
Company/Organization (if applicable) N/A
Mailing Address: 715 Michigan Street
City: Omro State: WI Zip: 54963
Telephone: (920) 379 - 5368 Email: louie2978.AM@gmail.com
Property Address: 621 Michigan Street, Omro, WI 54963
Relationship to Property:
☒ Property Owner
☐ Contract Purchaser
☐ Developer
☐ Agent/Representative
☐ Attorney
☐ Other: _____

SECTION 2 – PROPERTY OWNER INFORMATION

(Complete if different from Applicant)

Property Owner Name: Same
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: (____) _____ - _____ Email: _____
Property Address: _____

Owner Authorization Attached?

☐ Yes

☐ No

N/A

SECTION 3 – SUBJECT PROPERTY INFORMATION

Property Address: 715 Michigan Street, Omro, WI 54963

Tax Parcel Number(s): 265-020801

Legal Description Attached: off GIS

☒ Yes

☐ No

Property Acreage: 3.843 Acres Property Frontage: 147.49

Current Zoning District: C-1 Central Commercial

Requested Zoning District: R-1 Single Family Residential

Current Land Use: Residential Use

Existing Structures on Property:

Storage Building on portion (Lot 1 of CSM) to remain C-1
Residential Structure on (Lot 2 of CSM) Residential Use

Property Use Compliant with Current Zoning: ☒ Yes ☐ No

If no, explain:

Storage Unit are not compliant with C-1 (Grandfathered)
legal non-conforming status

Is the Property Located Within Any of the Following?

Floodplain ☒ Yes ☐ No

Shoreland Area ☐ Yes ☒ No

Wetlands ☐ Yes ☒ No

Historic District ☐ Yes ☒ No

Airport Overlay ☐ Yes ☒ No

Extraterritorial Jurisdiction Area ☐ Yes ☒ No

Other Overlay District ☐ Yes ☒ No

If yes, explain:

SECTION 4 – REZONING REQUEST

A. Existing Zoning Classification

Describe the current zoning district and how the property is presently used.

C-1 Central Commercial – currently has a commercial storage building and a residential property.

B. Requested Zoning Classification

Describe the requested zoning district and intended future use.

C-1 to R-1 for portion of 265-020801 as designated split by attached Certified Survey Map

C. Purpose of Request

Explain why the rezoning is being requested.

See attached letter from property owner

D. Development Proposal

If development is proposed, describe the project in detail.

No development proposed.

Include:

- Number and type of residential units
- Commercial or industrial uses
- Building sizes
- Parking areas
- Access points
- Open space
- Landscaping

SECTION 5 – COMPREHENSIVE PLAN CONSISTENCY

The City of Omro Comprehensive Plan serves as the primary policy guide for land use decisions. Please explain how the proposed rezoning is consistent with the Comprehensive Plan and Future Land Use Map.

Future Land Use Designation

R-1 Single Family Residential

Consistency Statement

Changing a portion of parcel 265-020801 to R-1 will bring a large amount of acreage into compliance with Future Land Use zoning of record.

SECTION 6 – SURROUNDING LAND USE ANALYSIS

Identify surrounding zoning districts and land uses.

Direction	Existing Zoning	Existing Land Use
North	<i>R-1</i>	<i>Residential</i>
South	<i>R-1</i>	<i>Residential</i>
<i>West</i>	<i>Agriculture</i>	<i>Agricultural (Town of Omro)</i>
<i>East</i>	<i>R-1, C-2</i>	<i>Residential / Business Commercial</i>

COMPATIBILITY REVIEW

Is the proposed zoning district compatible with surrounding land uses?

☒ Yes

☐ No

☐ With Conditions

Comments:

Will the proposed rezoning negatively affect neighboring properties?

☐ Yes

☒ No

☐ Potentially

Comments:

Compatibility Statement

Describe how the proposed rezoning is compatible with surrounding properties and neighborhood character.

This rezoning brings the property more compliant with Future Land use of Residential. The remaining land parcel at C-1 will continue to operate as a commercial storage rental facility. Extremely limited traffic flow to Storage facility portion.

SECTION 7 – PUBLIC FACILITIES AND SERVICES

Describe the availability of public services. *All of parcels provided utility services from the City of Omro.*

Water Service

☒ Existing Service

☐ Proposed Extension

☐ Private Well

Adequate Public Water Available?

☒ Yes ☐ No

Comments:

Sanitary Sewer

☒ Existing Service

☐ Proposed Extension

☐ Private System

☐ Septic System

☐ Mound System

Adequate Public Sewer Available?

☒ Yes ☐ No

Comments:

Stormwater Facilities

☒ Existing Service

☐ Proposed

Adequate Stormwater Facilities Available?

☒ Yes ☐ No

Comments:

Already a drainage retention pond. See overhead map.

Streets and Access

Describe existing and proposed access.

*Pre-existing horseshoe driveway (2) currently non-compliant
One driveway access from Storage Unit portion of property.*

Adequate Transportation Access Available?

☒ Yes ☐ No

Comments:

Will the proposed rezoning significantly increase traffic volumes?

☐ Yes

☒ No

☐ Unknown

Comments:

*Been operating as storage facility since 1983 with no complaints
filed by neighboring properties.*

Are access points adequate and safe?

☒ Yes

☐ No

☐ Needs Further Review

Comments:

Emergency Services

Will the development require additional public safety services or ingress/egress access routes?

☐ Yes

☒ No

If yes, explain:

SECTION 8 – IMPACT STATEMENT

Please address the anticipated impacts of the proposed rezoning.

Traffic*No increase expected. Existing since 1983***Public Utilities***No changes***Schools***No changes***Adjacent Properties***No changes***Environmental Resources***No impact on stormwater drainage***Economic Impact***No economic impact***SECTION 9 – REQUIRED SUBMITTALS**

The following materials shall accompany this application:

Required Documents	Included
Completed Application	☒
Application Fee	☒
Legal Description	☒
Parcel Map	☒
Certified Survey Map or Plat (if applicable)	☒
Site or Concept Plan (if applicable)	☒
Building Elevations (if applicable)	☐ <i>N/A</i>
Owner Authorization (if applicable)	☐ <i>N/A</i>
Written Project Narrative	☐ <i>N/A - No Development</i>

Required Documents	Included
Comprehensive Plan Consistency Statement	☒ <i>consistent with Future Land Use</i>
Environmental Information (if required)	☐ <i>N/A</i>
Traffic Study (if required)	☐ <i>N/A</i>
Other Supporting Documents (if required)	☐ <i>N/A</i>

SECTION 10 – APPLICANT ACKNOWLEDGEMENT

I understand that submission of this application does not guarantee approval of the requested rezoning.

I understand that the rezoning process includes:

1. Staff review for completeness.
2. Public hearing before the Planning Commission.
3. Planning Commission recommendation.
4. Common Council consideration and final action.
5. Adoption of an ordinance amending the Official Zoning Map if approved.

I further understand that additional information may be required by City staff, the Planning Commission, Common Council, City Engineer, City Planner, or City Attorney.

I certify that the information contained herein is true and correct to the best of my knowledge.

Applicant Printed Name:

Aaron Martin

Applicant Signature:

Aaron Martin

Date Signed:

6/22/2026

Property Owner Name:

Same

Property Owner Signature:

Aaron Martin

Date Signed:

6/22/2026

Future Land Use Map

715 Michigan Street



City of Omro Winnebago County, Wisconsin

Future Land Use Plan

Land Use Categories

- Farm Residences
- Residential
- Duplex
- Multi-Family
- Mobile Homes/Parks
- Commercial
- Industrial
- Mining/Quarries
- Utilities
- Institutional/Governmental
- Agriculture
- Parks and Recreation
- Open Areas
- Woodlands
- Preserve

715 Michigan Street



6/22/2026, 9:55:28 AM

District Code / Description

A-1 - Agriculture

R-1 - Single-Family Residential

R-2 - Duplex

R-3 - Multifamily Residential

R-4 - Mobilehome Park

R-5 - Planned Unit Development

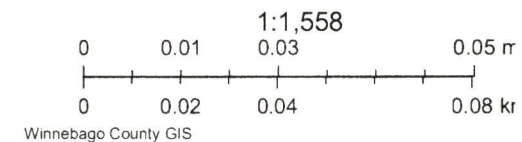
P-1 - Park and Recreational

C-1 - Central Commercial

C-2 - Highway Commercial

I-1 - Light Industrial

IP-1 - Industrial Park Light Industrial/Commercial



Winnebago County GIS



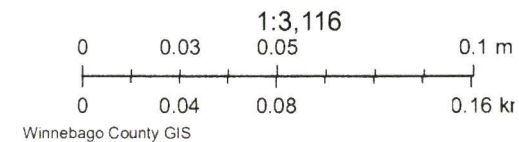
6/26/2026, 9:45:42 AM

Adjacent Counties
Lakes, Ponds and Rivers
Navigable Waterways
Navigable - Permanent (unchecked)

Navigable - Intermittent (unchecked)
Navigable - Stream (unchecked)
Navigable - Permanent (checked)
Navigable - Intermittent (checked)

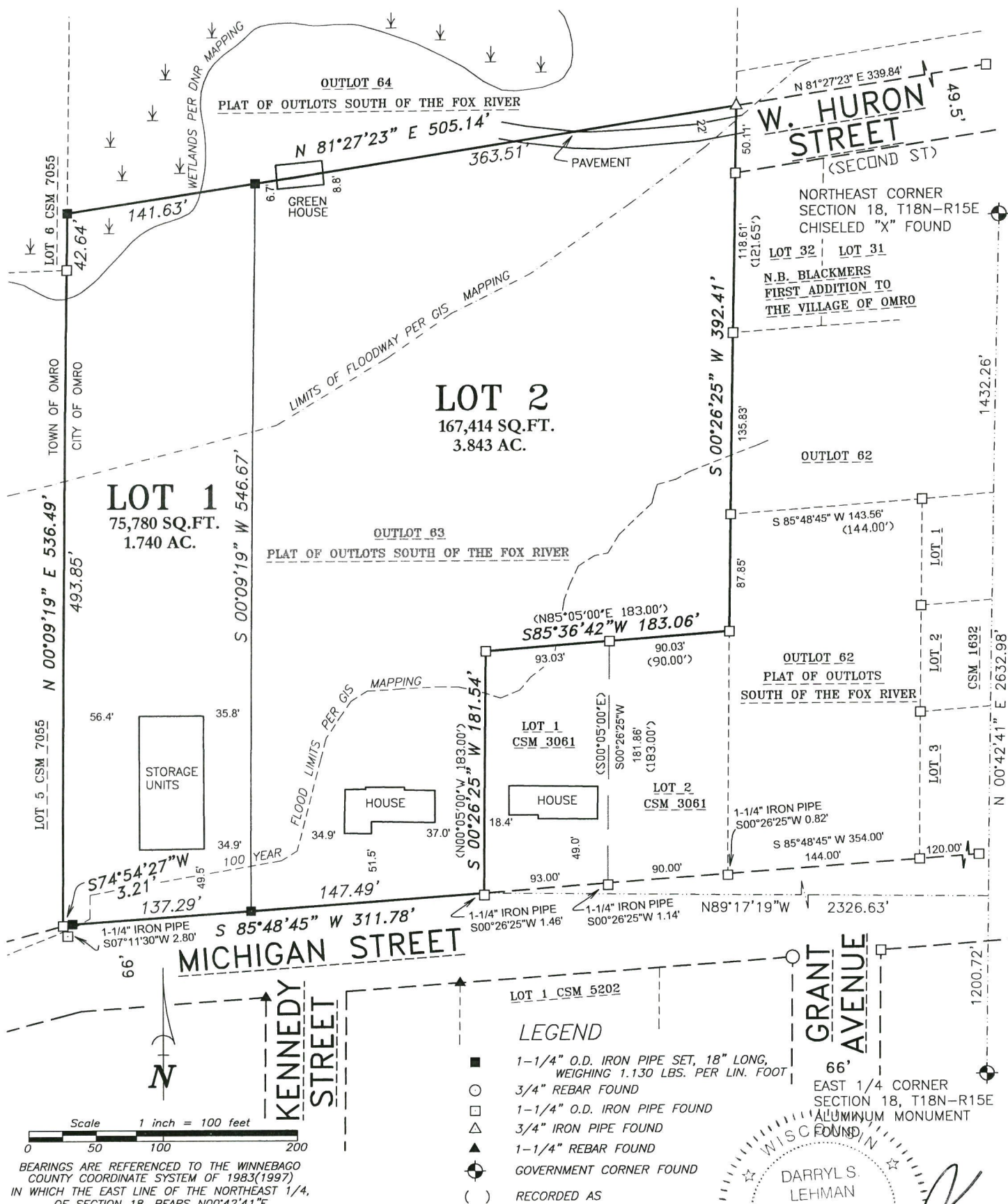
Navigable - Stream (checked)
Tax Parcel Boundary
Road ROW
Municipal Boundary

2025 Air Photo
Red: Band_1
Green: Band_2
Blue: Band_3



PART OF OUTLOT 63 "PLAT OF OUTLOTS", SOUTH OF THE FOX RIVER, BEING PART OF GOVERNMENT LOT 2, IN SECTION 18, TOWNSHIP 18 NORTH, RANGE 15 EAST, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
AARON MARTIN
715 MICHIGAN STREET
OMRO, WI 54963



Martenson & Eisele, Inc.

101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 0-3019-001
FILE 3019001CSM SHEET 1 OF 3
This instrument was drafted by: DSL

Certified Survey Map

PART OF OUTLOT 63 "PLAT OF OUTLOTS", SOUTH OF THE FOX RIVER, BEING PART OF GOVERNMENT LOT 2, IN SECTION 18, TOWNSHIP 18 NORTH, RANGE 15 EAST, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, Darryl S. Lehman, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped, at the direction of Aaron Martin, part of Outlot 63 "Plat of Outlots", South of the Fox River, being part of Government Lot 2, in Section 18, Township 18 North, Range 15 East, City of Omro, Winnebago County, Wisconsin, described as follows:

Commencing at the East 1/4 corner of said Section 18; thence North 00 degrees 42 minutes 41 seconds East 1200.72 feet, along the East line of the said Northeast 1/4; thence North 89 degrees 17 minutes 19 seconds West 2326.63 feet, to the point of beginning; thence South 85 degrees 48 minutes 45 seconds West 311.78 feet, along the North right-of-way line of Michigan Street; thence South 74 degrees 54 minutes 27 seconds West 3.21 feet, along the said North right-of-way line; thence North 00 degrees 09 minutes 19 seconds East 536.49 feet, along the East line of Lot 5 and Lot 6 of Certified Survey Map 7055; thence North 81 degrees 27 minutes 23 seconds East 505.14 feet, along the North line of said Outlot 63; thence South 00 degrees 26 minutes 25 seconds West 392.41 feet, along the East line of said Outlot 63; thence South 85 degrees 36 minutes 42 seconds West 183.06 feet, along the North line of Lot 1 and Lot 2 of Certified Survey Map 3061; thence South 00 degrees 26 minutes 25 seconds West 181.54 feet, along the West line of said Lot 1, to the point of beginning.

That I have fully complied with Chapter 236.34 of the Wisconsin Statutes in surveying, dividing, and mapping the same and the City of Omro Subdivision Ordinances.

This map is a correct representation of all of the exterior boundaries of land surveyed and the division thereof.

Given under my hand this 26th day of January, 2026.


Darryl S. Lehman, WI. Land Surveyor, S-3255



City of Omro Common Council Resolution:

Resolved, this minor Subdivision in the City of Omro, is hereby approved by the Common Council on this _____ day of _____, 2026.

Mayor Date Clerk Date

Treasurer's Certificate:

I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands shown hereon.

City Treasurer Date

Certified Survey Map _____

PART OF OUTLOT 63 "PLAT OF OUTLOTS", SOUTH OF THE FOX RIVER, BEING
PART OF GOVERNMENT LOT 2, IN SECTION 18, TOWNSHIP 18 NORTH, RANGE 15
EAST, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN.

OWNERS CERTIFICATE:

As owners we, the undersigned, hereby certify that we caused the land above described to be surveyed, and mapped all as shown and represented on this map.

Aaron J. Martin Date

Billie J. Martin Date

State of Wisconsin)
)SS
Winnebago County)

Personally came before me on the _____ day of _____, 20____, the above owner to me known to be the person who executed the foregoing instrument and acknowledge the same.

_____ My Commission Expires _____

This CSM is contained wholly within the property described in the following recorded instruments:

Owner(s) of record	Document(s)	Parcel Number(s)
Aaron J. Martin	1928825	265020801
Billie J. Martin		



CITY OF OMRO
205 S WEBSTER AVE, P O BOX 399 OMRO, WI. 54963

January 26, 2026 Monday 3:27 pm

Register #: 000

Receipt #: 78820

By: BARB

Terminal ID: T2

I.D. Number

Amount Paid

ZONE ZONING/PLAT REVIEWS

125.00

Cmt: Certified Survey Map Review

Check # Check Amount

.00

Cash

125.00

Amt Tendered

125.00

Total Paid

125.00

Change

.00

Paid By.: Aaron Martin, 715 Michigan Street

Certified Survey Map

PART OF LOT 1 AND ALL OF LOT 2 OF CERTIFIED SURVEY MAP 7795,
BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF
SECTION 17, TOWNSHIP 18 NORTH, RANGE 15 EAST, CITY OF OMRO,
WINNEBAGO COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, Darryl S. Lehman, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped, at the direction of Hoffmann Homes, LLC, part of Lot 1 and all of Lot 2 of Certified Survey Map 7795, being part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 18 North, Range 15 East, City of Omro, Winnebago County, Wisconsin, described as follows:

Commencing at the North 1/4 corner of said Section 17; thence South 00 degrees 40 minutes 44 seconds West 890.95 feet, along the West line of the said Northeast 1/4; thence South 89 degrees 14 minutes 27 seconds East 341.53 feet, along the South line of Lot 1 of said Certified Survey Map 7795, to the point of beginning; thence South 89 degrees 14 minutes 27 seconds East 320.00 feet, along the South line of said Lot 1 and Lot 2 of Certified Survey Map 7795; thence North 00 degrees 40 minutes 37 seconds East 145.11 feet, along the East line of said Lot 2 of Certified Survey Map 7795; thence North 89 degrees 15 minutes 45 seconds West 320.00 feet, along the South right-of-way line of East Huron Street; thence South 00 degrees 40 minutes 37 seconds West 144.98 feet, to the point of beginning.

That I have fully complied with Chapter 236.34 of the Wisconsin Statutes in surveying, dividing, and mapping the same and the City of Omro Subdivision Ordinances.

This map is a correct representation of all of the exterior boundaries of land surveyed and the division thereof.

Given under my hand this 15th day of June, 2026.

Darryl S. Lehman PLS-3255



Corporate Owner's Certificate:

F. Butkiewicz & Sons Co., Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, hereby certify that we caused the land above described to be surveyed, divided, mapped and dedicated as represented on this map.

Signature _____ date _____

Print name and title _____

State of Wisconsin)
)SS
Winnebago County)

Personally came before me on the _____ day of _____, 2026, the above owner to me known to be the person who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____

OWNERS CERTIFICATE:

Rentals KJK LLC	Date
-----------------	------

Print Name and Title _____

Personally came before me on the _____ day of _____, 2026, the above owner to me known to be the person who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____

City of Omro Common Council Resolution:

Resolved, this minor Subdivision in the City of Omro, is hereby approved by the Common Council on this
day of _____, 2026.

Mayor Date Clerk Date

Treasurer's Certificate:

I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands shown hereon.

City Treasurer Date

This CSM is contained wholly within the property described in the following recorded instruments:

Owner(s) of record	Document(s)	Parcel Number(s)
F.Butkiewicz & Sons Co., Inc.	535136 1408585 1858186	26500260302
Rentals KJK LLC	1914427	26500260303



CITY OF OMRO
205 S WEBSTER AVE, P O BOX 399 OMRO, WI. 54963

June 24, 2026 Wednesday 3:09 pm	Register #: 000	Receipt #: 81441
By: BARB	Terminal ID: T2	

I.D. Number	Amount Paid
-------------	-------------

ZONE	ZONING/PLAT REVIEWS	100.00
Cmt: Certified Survey Map - Hoffman Estates E Huron		

<u>Check #</u>	<u>Check Amount</u>	<u>Cash</u>	<u>Amt Tendered</u>	<u>Total Paid</u>	<u>Change</u>
006416	100.00	.00	100.00	100.00	.00

Paid By.: Hoffman Homes

H + R Land

198'

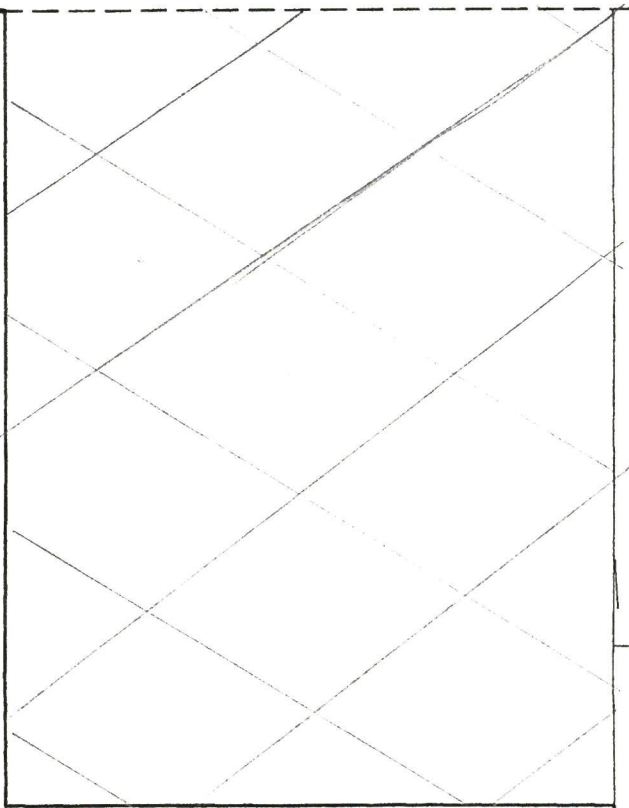
99'

99'

12,474
sq ft

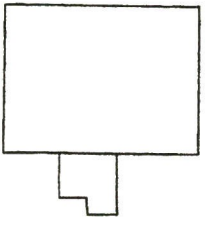
13,000
sq ft

26'



120'

Existing home



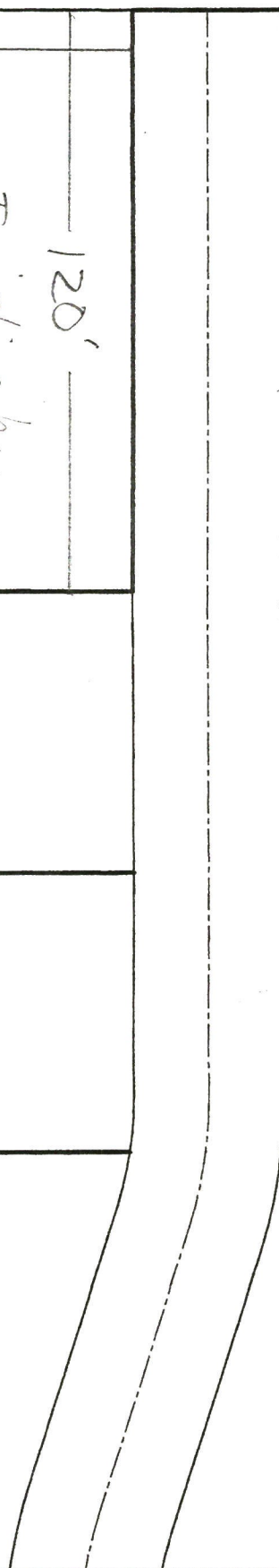
25,200 sq ft

210'

6,000
sq ft

6,000
sq ft

7560
sq ft



274'

N
↑
1"=40'

930 Webster

234'

1

Utility Easement

Document No.

This easement, made between _____, Grantor

And

_____, Grantee

For a sum of one dollar (\$1.00) and other good and valuable consideration, conveys to grantee, grantees' guests, grantees' heirs and assigns, an utility easement.

A 15 foot wide utility easement being part of Lot 1 of Certified Survey Map 4883, being part of the Southwest 1/4 of the Northeast 1/4 of Section 7, Township 18 North, Range 15 East, City of Omro, Winnebago County, Wisconsin described as follow:

Beginning at the Southeast Corner of said Lot 1; thence North 42 degrees 42 minutes 19 seconds West 15.00 fee, along the North right-of-way line of C.T.H "F"; thence North 47 degrees 19 minutes 54 seconds East 227.95 feet; thence South 42 degrees 41 minutes 49 seconds East 15.00 feet; thence South 47 ~~degrees 19 minutes 54 seconds~~ West 227.95 feet, to the point of beginning.

Record this document with the Register of Deeds

Name and Return Address:

By: _____
Print Name date

Parcel Identification Numbers

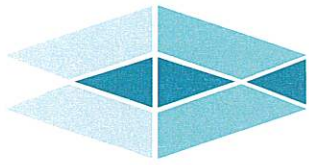
26500101

STATE OF WISCONSIN)
County Of Winnebago) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2026,
by the named person

Notary Public, State of Wisconsin
My Commission Expires:

This instrument drafted by: _____



May 31, 2026

Barbara Zaclake
City of Omro
205 S. Webster Avenue
Omro, Wisconsin 54963
VIA EMAIL DELIVERY @ bzanclake@omro-wi.com

RE: *Strip of Vacant Land Adjacent to Lincoln Avenue, Omro, Wisconsin
(hereinafter the "Property")*

Dear Barb:

Per our discussion on the telephone on Friday, May 29, 2026, enclosed please find the maps that Schmitt Title has discovered in abstracts to the surrounding properties to the above-referenced Property. From your review of the foregoing, you will see that the Property was previously identified as a city street, known as Krenz Road, which continues through on the opposite side of Lincoln Avenue. As such, it would be assumed that at one point this city street continued through the Property and connected Krenz Road from its current location to Highway 21. Per our discussion if that is the case and this was a city street, we would ask that the City of Omro vacate the city street, giving One-half (1/2) of the Property to our client and One-half (1/2) of the Property to the neighboring property owner adjacent thereto, specifically the trailer park. After your review of the foregoing, please advise as to your position regarding this matter. If you are amendable to this, my client will reach out to the owner of the trailer park to determine how the two parties will handle the disposition and future maintenance of the Property. Thank you for your assistance regarding this matter.

Best Regards,

Kelly J. Schwab
Renning Lewis & Lacy, S.C.

KJS:ms

Enclosures: Maps from Abstract Documents

Cc: Client (via email delivery)

ELEVATIONS (100.00') ARE REFERENCED TO THE
CENTER OF LINCOLN AVE. ASSUMED
ELEVATION 100 FT.



LINCOLN
S 63° 38' W

AVE

100.00'

EX. I.P.

100.50'
98.99' 52.00' 99.84'
PROPOSED
BUILDING
99.16'

N

256.34'

S 1° 20' W

A

RD

300.90'

KRENZ

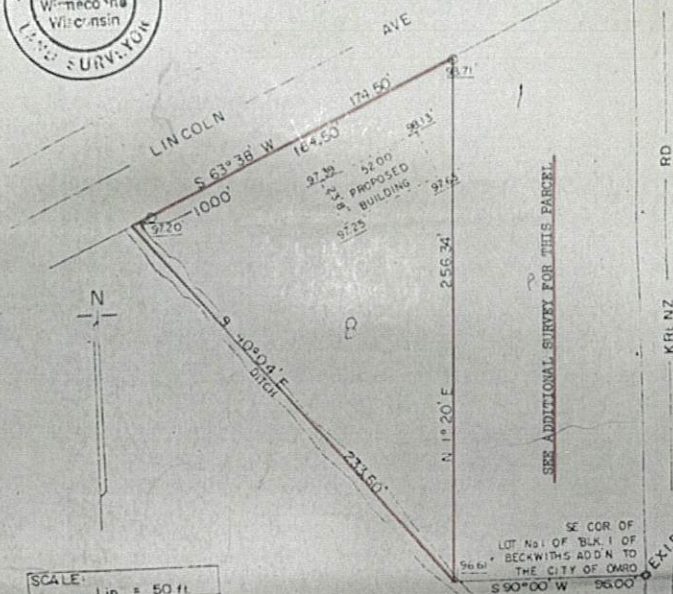
N 0° 00' E

6.00'
SE COR. OF
LOT NO. 1 OF BLK. 1
OF BECKWITHS ADD'N
TO THE CITY OF OMRO
EX. I.P.
N 90° 00' E 96.00' 95.27'

SCALE:
1 in. = 50 ft.
SURVEYOR:
R. K. Saylor S-417
AUGUST 4, 1970
bk 20 | p 138

Schmitt Abstract & Title Co.
P. O. Box 541
Oshkosh, Wisconsin 54901

PART OF OUTLOT 96 AND PART OF THE N 1/2
OF BLOCK No 1 OF BECKWITH'S ADDITION TO
THE CITY OF OMRO, WINNEBAGO COUNTY, WIS.



SCALE: 1 in. = 50 ft.
SURVEYOR: R. K. Sawyer S-417
August, 4, 1970
BX 2012 138

Schmitt Abstracts Co.
P. O. Box
Oshkosh, Wis.

SEE ADDITIONAL SURVEY FOR THIS PARCEL



Winnebago County
County Treasurer
415 Jackson Street, P.O. Box 2808
Oshkosh, WI 54903-2808
UNSOLICITED

AND
1983
DRAWING
F
D SUBVILL

Schmitt Abstract & Title Co.
P. O. Box 541
Oshkosh, Wisconsin 54901

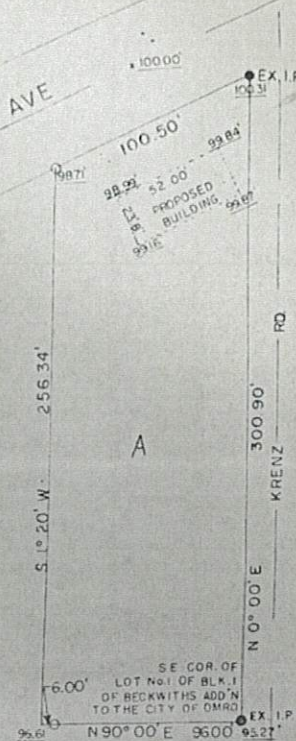
ELEVATIONS (100.00') ARE REFERENCED TO THE
CENTER OF LINCOLN AVE. ASSUMED
ELEVATION 100 FT



LINCOLN
S 63° 38' W



SCALE:
1 in. = 50 ft.
SURVEYOR
R. K. Saylor S-417
AUGUST 4, 1970
bk 20 p. 138



Schmitt Abstract & Title Co.
P. O. Box 541
Oshkosh, Wisconsin 54901

TO 1000

UNLEY

Winebago County
County Treasurer
415 Jackson Street, P.O. Box 2808
Oshkosh, WI 54903-2808

STANDARD SERVICE REQUESTED

WINEBAGO COUNTY, WISCONSIN 54903

STANDARD SERVICE REQUESTED

STANDARD SERVICE REQUESTED

CAUTION: - To insure a PROMPT AND ACCURATE Continuation of this Abstract, it should be returned to

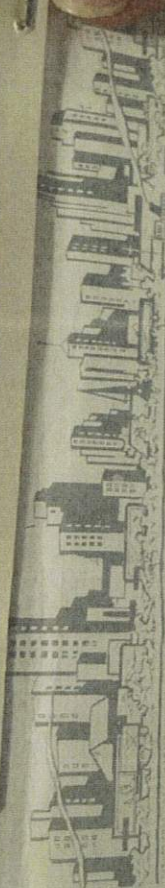
Phone (Area 414) 235-8990
P. O. Box 541

Schmitt Abstract & Title Company

Incorporated

MEMBER OF
AMERICAN LAND TITLE ASSOCIATION
WISCONSIN TITLE ASSOCIATION

733 State St.
Oshkosh, Wisconsin 54901



Schmitt Abstract & Title Company, Inc.

WINNEBAGO COUNTY, WISCONSIN, LAND TITLES

Abstract of Volume 10

Lots One (1), Two (2), Three (3), Four (4) and Five (5) all in Block One (1) in BECKWITH'S ADDITION TO QMRO, in the Village of Qmro, and now in the Third Ward, City of Qmro.

That part of Lot Ninety-six (96), South of Fox River, according to PLAT OF OUTLOTS in the Village of Qmro, and now in the First Ward, City of Qmro, lying south of highway, commonly known as Lincoln Avenue.

ORIGINALLY a part of Fractional Lot Two (2) of Section (2) Township Eighteen (18) North, of Range Fifteen (15)

Phone (Area 414) 235-8990
P. O. Box 541

For a PROMPT AND ACCURATE Continuation of this Abstract, it should
Schmitt Abstract & Title Company, Inc.
Incorporated
WINNEBAGO COUNTY, WISCONSIN
Oshkosh, Wisconsin

Schmitt Abstract & Title Company, Inc.
WINNEBAGO COUNTY, WISCONSIN, LAND TITLES
Oshkosh, Wisconsin

Abstract of Title to

Lots One (1), Two (2), Three (3), Four (4) and Five (5) all in Block One (1) in BECKWITH'S ADDITION TO OMRO, in the Village of Omro, and now in the Third Ward, City of Omro.

That part of Lot Ninety-six (96), South of Fox River, according to PLAT OF OUTLOTS in the Village of Omro, and now in the First Ward, City of Omro, lying south of Highway, commonly known as Lincoln Avenue.

ORIGINALLY a part of Fractional Lot Two (2) of Section Eight (8) Township Eighteen (18) North, of Range Fifteen (15) East.

*Schmitt Abstract
& Title Company*

INCORPORATED

OSHKOSH, WISCONSIN

Abstract of Title
COVERING

Part of Lots 2, 3 and 4 of
Block 1 in BECKWITH'S ADDITION
TO OMRO and Part of Lot 96,
South of Fox River, according
to PLAT OF OUTLOTS, First Ward,
Omro.

Abstract No. 31,618





Title 17 ZONING

CHAPTER 17.04. INTRODUCTORY PROVISIONS

Sec. 17.04.010. Authority.

This title is adopted under the authority granted by Wis. Stats. §§ 62.23(7) and 87.30 and amendments thereto.

(Prior Code, § 13-1-1; Code 1998, § 17.04.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.04.020. Short title.

This title shall be known as, referred to and cited as the "zoning code, City of Omro, Wisconsin" and is hereinafter referred to as the "zoning code" or "this title."

(Prior Code, § 13-1-2; Code 1998, § 17.04.020; Ord. No. 346, § 1(part), 199)

Sec. 17.04.030. Purpose.

The purpose of this title is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the city.

(Prior Code, § 13-1-3; Code 1998, § 17.04.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.04.040. Intent.

The general intent and purposes in view of this title are to regulate and restrict the use of all structures, lands and waters and to:

- A. Divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing, and other specified uses;
- B. Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- C. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- D. Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- E. Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the city;
- F. Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

-
- G. Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the city;
 - H. Provide for the administration and enforcement of this title; and to provide penalties for the violation of this title.

(Prior Code, § 13-1-4; Code 1998, § 17.04.040; Ord. No. 346, § 1(part), 1997)

Sec. 17.04.050. Abrogation and greater restrictions.

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

(Prior Code, § 13-1-5; Code 1998, § 17.04.050; Ord. No. 346, § 1(part), 1997)

Sec. 17.04.060. Interpretation of title provisions.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be construed to be a limitation or repeal of any other power now possessed by the city.

(Prior Code, § 13-1-6; Code 1998, § 17.04.060; Ord. No. 346, § 1(part), 1997)

Sec. 17.04.070. Severability and nonliability.

- A. If any section, clause, provision or portion of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected thereby.
- B. If any application of this title to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in the judgment.
- C. The city does not guarantee, warrant or represent that only those areas designated as flood lands will be subject to periodic inundation and asserts that there is no liability on the part of the common council, its agencies or employees for any flood damages, or structural damages that may occur as a result of reliance upon and conformance with this title.

(Prior Code, § 13-1-7; Code 1998, § 17.04.070; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.08. GENERAL PROVISIONS

Sec. 17.08.010. Jurisdiction and general provisions.

- A. *Jurisdiction.* The jurisdiction of this title shall apply to all structures, lands, water and air within the corporate limits of the city. The provisions of this title shall be held to be the minimum requirements for carrying out the intent and purpose of this title.
- B. *Compliance.* No new structure, new use of land, water or air or change in the use of land, water, or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved,

reconstructed, extended, enlarged, converted or structurally altered without a building permit and without full compliance with the provisions of this title and all other applicable local, county and state regulations.

- C. *District Regulations to be Complied with.* Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- D. *Yard Reduction or Joint Use.*
 - 1. 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 title. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
 - 2. No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces, or minimum lot area requirements for any other structure or parcel.
- E. *Lots Abutting More Restrictive District.* Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the provisions in the more restricted district.
- F. *Relationship with Other Laws.* Where the conditions imposed by any part of this title are either more restrictive or less restrictive than comparable conditions imposed by any other laws, the regulations which are more restrictive shall be enforced.

(Prior Code, § 13-1-20; Code 1998, § 17.08.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.08.020. Use regulations.

Only the following uses and their essential services may be allowed in any district:

- A. *Permitted Uses.* Permitted uses, being the principal uses, specified for a district.
- B. *Accessory Uses.* Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- C. *Conditional Uses.*
 - 1. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing, and approval in accordance with Chapter 17.56, excepting those existent at the time of adoption of the zoning code.
 - 2. Conditional use, when replaced by a permitted use, shall terminate. In such case, the reestablishment of any previous conditional use, or establishment of a new conditional use shall require review, public hearing, and approval in accordance with Chapter 17.56.
 - 3. Conditional uses authorized by the planning commission shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - 4. Conditional uses authorized by the planning commission shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without planning commission approval and the procedures required in Chapter 17.56.
- D. *Classification of Unlisted Uses.* Any use not specifically listed as a permitted use or a conditional use in the districts established in Chapter 17.16 shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the zoning board of appeals for determination, following a recommendation from the planning commission, in accordance with the following procedure:

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1. *Application.* Application for determination for classification of an unlisted use shall be made in writing to the zoning official and shall include a detailed description of the proposed use and such other information as may be required by the zoning board of appeals to facilitate the determination.
 2. *Investigation.* The zoning board of appeals shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this title and to recommend its classification.
 3. *Determination.* The determination of the zoning board of appeals shall be rendered in writing within 60 days from the application and shall include findings supporting the conclusion. The zoning board of appeals shall determine if the classification of unlisted use is a permitted use, conditional use, or prohibited use in one or more of the districts established in Chapter 17.16.
 4. *Effective Date of Determination.* At the time of this determination of the classification of the unlisted use by the zoning board of appeals, the classification of the unlisted use shall become effective.

(Prior Code, § 13-1-21; Code 1998, § 17.08.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.08.030. Site regulations.

A. Lot Size; Frontage.

1. After adoption of this zoning code, no lot area shall be so reduced so that the dimensional and the yard requirements, required by this title cannot be met. Lots existing and of record prior to the adoption of this title, but of substandard size, may be devoted to uses permitted in the district in which it is located.
2. All lots shall abut upon a public street with at least 80 feet of frontage, unless a variance has been approved, or it is part of a planned unit development project, or it meets the definition of an irregular lot and has at least 20 feet of street frontage, and if the lot is pie-shaped and is at least 80 feet wide at the setback line.
3. On corner lots, less than 80 feet wide and of record at the time of passage of this zoning code, where double frontage exists, the front yard setback of the side street shall be not less than the average of the adjoining properties.
4. Where a lot has an area less than the minimum number of square feet required for the district in which it is located and was of record at the time of passage of this zoning code, the lot may be occupied by a one-family dwelling and subject to the requirements of Section 17.60.040.

B. Setback Requirements; Off Streets. All building setback lines shall meet the minimum requirements listed in the district regulations except as provided below:

1. A setback equal to the average setback of the existing principal buildings located within 500 feet of a proposed building site and on the same side of the street shall be permitted where five of these buildings do not conform with the appropriate setback line. Setback averaging shall be measured to the main portion of the principal structure not to porches, entryways, or other extensions from the main structure. However, for residential properties, regardless of the average measurement, the setback shall not be closer than ten feet from the road right-of-way.
2. Minor, readily removable structures, such as open fences or signs, permitted by this title, may be placed within the setback line. Public utility equipment, without permanent foundations, are also permitted.

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- C. *Setback Requirements; Water.* All primary and accessory structures, except boathouses, shall be at least 25 feet from the seasonal high-water line of rivers, streams and lakes. Boathouses shall have a five-foot setback.
- D. *Principal Structures.* All principal structures shall be located on a lot. Except in the case of planned unit developments, not more than one principal building or use and two accessory buildings or uses may be located on a lot.
- E. *Dedicated Street.* All lots shall abut a public street. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- F. *Site Suitability.* No land shall be used or structure erected where the land is held unsuitable for such use or structure by the council, upon the recommendation of the planning commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, and unfavorable topography.
- G. *Preservation of Topography.* In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1½ horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the common council, upon the recommendation of the planning commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- H. *Decks.* For purposes of this title, decks, porches and fireplace chases shall be considered a part of a building or structure.
- I. *Vacated Streets.* Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the vacated area shall not be affected by such proceeding.
- J. *Obstruction of Unplatted Lands.* All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- K. *Dwelling Units.* No cellar, basement or unfinished home, garage, tent, recreational vehicle, trailer or accessory building shall, at any time, be used as a dwelling unit.
- L. *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 zoning official. The zoning official may impose conditions on such temporary uses.
- M. *Unclassified or Unspecified Uses.* Unclassified or unspecified uses may be permitted by the zoning board of appeals after the planning commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- N. *Screening Regulations.* Any use required by this title to be screened in accordance with this section shall be confined within an opaque fence or wall, in accordance with the fence ordinance, or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals of not more than six feet located and maintained in good condition or in any way out of view of the public.
- O. *Uses Not Requiring Building Permit.*
1. Any small, movable accessory or erection or construction such as bird houses, pet houses, play equipment, arbors; or such minor structures shall be limited to 16 square feet in floor space;
 2. Private sidewalks and driveways, poured or formed patios, decks and walkways that do not exceed six inches in height above ground level and which are not in a public right-of-way.

P. *Number of Tenants.* No owner of any dwelling shall lease or enter any lease of any one dwelling unit to more than five persons not related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit and using common cooking facilities, or more than ten persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the Wisconsin Department of Health Services.

Q. *Drainage Sanitation and Water Supply.* Downspouts and pipes or hoses from sump pumps shall terminate at least eight feet from side or rear lot lines.

(Prior Code, § 13-1-22; Code 1998, § 17.08.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.08.040. Modifications.

A. *Height.* The district height limitations stipulated elsewhere in this title may be exceeded, but such modifications shall be in accord with the following:

1. Architectural projections and special structures. Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, chimneys and cooling towers can exceed the height limitations in this and other chapters by a maximum of ten feet.
2. Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this title.
3. Communication structures, such as radio and television transmissions, receiving antennas, and aerials, shall not exceed in height three times their distance from the nearest lot line, except for ham radio operators engaging in emergency government or civil defense service. (State and local regulations of a station antenna must not preclude amateur service communications.)
4. Height of detached garages can be increased up to a maximum of 18 feet for garages wider than 26 feet.

B. *Yards.* The yard requirements stipulated elsewhere in this title may be modified as follows:

1. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than three feet to any lot line.
2. Architectural projections, such as sills, eaves and belt courses may project into any required yard a maximum of 12 inches.
3. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this title.
4. Landscaping and vegetation are exempt from the yard requirements of this title, providing the required vision corners at street intersections can be met.

(Prior Code, § 13-1-23; Code 1998, § 17.08.040; Ord. No. 346, § 1(part), 1997; Ord. No. 372, § 1, 2001)

CHAPTER 17.12. DEFINITIONS

Sec. 17.12.010. Definitions.

For the purposes of this title, the following definitions shall be used, unless a different definition is specifically provided for a section. 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" and not permissive.

1. *Abutting* means to have a common property line or district line.
2. *Accessory use or structure* means a use or detached structure subordinate to the principal use of a structure, parcel of land, or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure.
3. *Acre net* means the actual land devoted to the land use, excluding public streets, public lands, or unusable lands, and school sites contained within 43,560 square feet.
4. *Alley* means a public or private right-of-way, which affords only a secondary means of access to the side or rear of an abutting property.
5. *Apartment* means a suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.
6. *Arterial street* means a public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
7. *Automobile wrecking yard* means any premises on which is kept more than one vehicle, not in running order or operating condition, or in a general state of disrepair, which is not completely enclosed within a building.
8. *Basement* means a story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it. A basement shall be counted as a story for the purposes of height measurements, if the vertical distance between the ceiling and the main level of the adjoining ground is more than five feet.
9. *Bed and breakfast establishment* means an establishment, which is licensed by the Wisconsin Department of Health Services as a "bed and breakfast establishment," and is any place of lodging that includes the following:
 - a. Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients;
 - b. Provides no meals other than breakfast and provides the breakfast only to renters of the place;
 - c. Is the owner's personal place of residency;
 - d. Is occupied by the owner at the time of any rental; and
 - e. Was originally built and occupied as a single-family residence or prior to use as a place of lodging, was converted to use and occupied as a single-family residence.
10. *Block* means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
11. *Boarding house* means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three or more persons not members of a family, but not exceeding ten persons and not open to transient customers.
12. *Buildable lot area* means the portion of a lot remaining after required yards have been provided.
13. *Building* means 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. When a building is

divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

14. *Building, accessory*, means a building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
15. *Building, detached*, means a building surrounded by open space on the same lot. (See Section 17.72.010 for minimum setbacks to other structures.)
16. *Building, height of*, means the vertical distance from the average finished grade at the building to the highest point of the roof.
17. *Building inspector* means a person designated by the common council to enforce this title. Reference to the building inspector shall be construed to include the zoning official, the director of public works, or any other duly appointed city employee.
18. *Building, principal or main*, means the building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
19. *Building setback line* means a line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this zoning code.
20. *Building, principal*, means a building in which the principal use of the lot on which it is located is conducted.
21. *Business* means an occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
22. *Canopy* means a structure attached to and extending outward from a building, designed to protect a building and/or people under the canopy from the sun, rain or snow.
23. *Carport* means an automobile shelter having one or more sides open.
24. *Cellar* means that portion of a building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
25. *Channel* means those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well established banks.
26. *Clinic, medical or dental*, means a group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.
27. *Community living arrangement* means the following facilities licensed, operated or permitted under the authority of the Wisconsin State Statutes: a community living arrangement for adults, as defined in Wis. Stats. § 46.03(22), a community living arrangement for children, as defined in Wis. Stats. § 48.743(1), a foster home, as defined in Wis. Stats. § 48.02(6), and an adult family home, as defined in Wis. Stats. § 50.01(1).
28. *Conditional use* means the occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extra ordinary limitations, facilities, structures, thoroughfares, plans, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the city and therefore may be permitted in such district only by a conditional use permit.

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29. *Controlled access arterial street* means the condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
 30. *Conservation standards* means guidelines and specifications for soil and water conservation practices and management enumerated in the "Technical Guide," prepared by the USDA Soil Conservation Service for Winnebago County, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.
 31. *Development* means any manmade change to improved or unimproved real estate, including, but not limited to, construction of additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
 32. *District, basic*, means a part or parts of the city for which the regulations of this title governing the use and location of land and building are uniform.
 33. *District, overlay*, also referred to herein as "regulatory areas," provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
 34. *Drainage* is a general term applied to the removal of surface or subsurface water from a given area, either by gravity or by dumping.
 35. *Dwelling* means a building, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
 36. *Dwelling unit* means a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.
 37. *Dwelling, efficiency*, means a dwelling unit consisting of one principal room with no separate sleeping rooms.
 38. *Dwelling, single-family*, means a detached building designed for or occupied by one family.
 39. *Dwelling, two-family*, means a detached building containing two separate dwelling or living units, designed for occupancy by not more than two families.
 40. *Dwelling, multiple-family*, means a residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.
 41. *Elderly day care home* means locations which provide day care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day care center.
 42. *Essential services* means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
 43. *Family* means an individual living alone, or two or more people related by marriage or blood living as a single unit; or a group of not more than five people that need not be related by blood living in a single unit for housekeeping, as distinguished from a hotel, club, lodge or rooming house.

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44. *Family day care home* means a dwelling, also licensed as a day care center by the Wisconsin Department of Health Services and where for compensation of consideration, a resident of the dwelling provides group care for at least four, but not more than eight children, between the ages of infancy and seven years of age at a location other than the child's own home or home of relatives or guardians.
45. *Farming, general*, includes floriculture, forest and game management, orchards, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, and vegetable farming. General farming includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
46. *Farmstead* means a single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
47. *Floodplain* means the land adjacent of a watercourse or other body of water, subject to overflow therefrom during a regional flood.
48. *Floor area* means the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building.
49. *Floor area, business and manufacturing buildings*, means, for the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
50. *Foster family home* means the primary domicile of a foster parent which is four or fewer foster children or adults and which is licensed under Wis. Stats. § 48.62 and amendments thereto.
51. *Frontage* means all the property butting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
52. *Garage, private*, means an accessory building or space for the storage of motor vehicles.
53. *Garage, commercial*, means any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
54. *Garage, storage*, means any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.
55. *Grade*, when used as a reference point in measuring the height of a building, means the average elevation of the finished ground at the exterior walls of the main building.
56. *Group foster home* means any facility operated by a person required to be licensed by the State of Wisconsin under Wis. Stats. § 48.62 for the care and maintenance of five to eight foster children.
57. *Home occupation* means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services that is clearly secondary to the residential use and does not change the character of the structure as a residence and meets all the applicable limitations of this title.

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58. *Hospital* means an institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed-patient care.
59. *Hotel* means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.
60. *Institution* means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
61. *Junk* means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
62. *Junkyard* means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to, used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and singular property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
63. *Loading area* means 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.
64. *Lodge* or *club* means a building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.
65. *Lodging house* means a building where lodging only is provided for compensation for not more than three persons not members of the family.
66. *Lot* means a parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, and other open space provisions of this zoning code as pertaining to the district wherein located.
67. *Lot, corner*, means a lot situated at the intersection of two streets.
68. *Lot, interior*, means a lot with frontage on only one street.
69. *Lot, through*, means a lot other than a corner lot with frontage on two streets.
70. *Lot area* means the area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
71. *Lot depth* means the shortest horizontal distance between the front lot line and the rear lot line measured at a 90-degree angle from the road right-of-way.
72. *Lot frontage* means the smallest dimension of a lot abutting a street measured along the street lines.
73. *Lot line* means legally established lines dividing one lot, plot of land, or parcel of land from an adjoining lot, or plot of land, or parcel of land as defined herein.
74. *Lot line, front*, means a line separating the lot from the street or approved private road.
75. *Lot line, rear*, means a lot line which is opposite and most distant from the front lot line.
76. *Lot line, side*, means any lot boundary line not a front line or a rear lot line.

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77. *Lot of record* means a lot which has been recorded in the office of the register of deeds prior to the effective date of this zoning code.
78. *Lot width* means the horizontal distance between the side lot lines at the building setback line.
79. *Minor structures* means any small, movable accessory erection, or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls, and fences under three feet in height.
80. *Mobile home* means any of the following:
- a. A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.
 - b. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. The term "mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
81. *Mobile home lot* means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
82. *Mobile home park* or *manufactured home community* means any plot or plots of ground upon which three or more manufactured homes that are occupied for dwelling or sleeping purposes are located. The term "mobile home park" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.
83. *Modular unit* means a prefabricated, detached single-family or double-family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported and mounted on a permanent foundation.
- 83.5. *Mother-in-law-suite* means one or more rooms within a single-family dwelling, designed, occupied, or intended to be occupied by one or more members of a family, provided that such rooms do not constitute or include a separate entry. No keyed entries between sides. The mother-in-law suite shall not have a separate address or utilities nor shall it be designed, occupied, or intended to be occupied separately and exclusively as a separate dwelling unit.
84. *Nonconforming lot* means a lot of record existing on the date of passage of this zoning code which does not have the minimum width or contain the minimum area for the zone in which it is located.
85. *Nonconforming uses* means any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this zoning code or amendments thereto and which is not in conformance with this zoning code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
86. *Nursing home* means an establishment used as a dwelling place by the aged, infirm, chronically ill, or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or the care of the sick or injured.
87. *Parking lot* means structures or premises containing five or more parking spaces open to the public.

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88. *Parties in interest* includes all the abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.
 89. *Planned unit development (PD)* means a large lot or tract of land containing two or more principal buildings of uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.
 90. *Professional home offices* means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, tradesmen, authors, musicians or other recognized professions used to conduct their professions. "Tradesmen" shall be defined as a person or persons who hold themselves out with a particular skill, including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trade.
 91. *Rear yard* means a yard extending across the full width of the lot, the depth of which shall be the horizontal distance between the rear lot line and the rear of the principal structure. This yard shall be opposite the street yard.
 92. *Restaurant* means a business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
 93. *Restaurant, drive-in*, means a business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.
 94. *Retail* means the sale of goods or merchandise in small quantities to the consumer.
 95. *Roadside stand* means a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises.
 96. *Setback* means the minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed 12 inches. Any overhang of the cornice in excess of 12 inches, shall be compensated by increasing the setback by an amount equal to the excess of cornice over the 12 inches. Uncovered steps shall not be included in measuring the setback.
 97. *Side yard* means a yard, which extends 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 the nearest point of the principal structure.
 98. *Signs* means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
 99. *Site plan* includes, but is not limited to, a drawing to scale of not less than one inch, which equals 50 feet, showing all physical aspects, such as buildings, setback dimensions, sidewalks, driveways, playgrounds, parking areas, and so forth which pertain to the proposed development and its relation to the surrounding area in conformance to the zoning of the area in which the development will exist.
 100. *Story* means that portion of a building which is included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof over the 14 feet in height requirement. A basement which has one-half or more of its height above the grade level shall be deemed a story for the purposes of height regulations.

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101. *Story, half*, means that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multifamily dwellings less than three stories in height, a one-half story in a sloping roof shall not be counted as a story for the purposes of this zoning code, except if used for residential purposes.
 102. *Street* means property other than an alley, or private thoroughfare, or travel way, which is subject to public easement or right-of-way for use as a thoroughfare.
 103. *Street yard* means a yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and the nearest point of the principal structure. Corner lots shall have two street yards.
 104. *Structural alterations* means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
 105. *Structure* means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
 106. *Temporary structure* means a movable structure not designed for human protection of goods or chattels.
 107. *Terrace* means the public right-of-way.
 108. *Unnecessary hardship* means that circumstance where special conditions, which were not self-created, affect a particular property, and make strict conformity with the restrictions governing the area, setback frontages, height, or density and are unnecessary, burdensome or unreasonable in light of the purposes of this title.
 109. *Use* means the purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
 110. *Use, accessory*, means the subordinate building or use, which is located on the same lot on which the principal building or use is situated, and which is reasonably necessary, and incidental to the conduct of the primary use of such a building or main use, when permitted by district regulations.
 111. *Use, principal*, means the main use of land or a building as distinguished from the subordinate or accessory use.
 112. *Utilities* mean public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
 113. *Variance* means a relaxation of the terms of this title by the zoning board of appeals whereas the literal enforcement of this title would deny to the property owner a use of his/her property enjoyed as a right by other property owners within the same zoning district.
 114. *Vehicle, motor*, means every device upon or by which any person or property, is or may be transported.
 115. *Vision setback area* means an unoccupied triangular space at the intersection of highways or streets with other highways or streets, or at the intersection of highways or streets with railroads. Such a vision clearance triangle shall be bounded by the intersecting highway, street, or railroad right-of-way lines and a setback line connecting the points located on such right-of-way lines by measurement from this intersection as specified in this title.

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- 116. *Wall, retaining*, means a structure designed to resist the lateral displacement of soil and/or other materials.
 - 117. *Yard* means an open space on the same lot with a building, unobstructed by structures, except as otherwise provided herein.
 - 118. *Yard, front*, means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.
 - 119. *Yard, rear*, means a yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.
 - 120. *Yard, side*, means a yard on each side of the principal building extending from the building to the lot line and from the front yard line to the rear yard line.
 - 121. *Zero lot line* means the concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between the units.
 - 122. *Zoning official* means a person designated by the common council to administer this title. Reference to the zoning official shall be construed to include the city administrator, the director of public works, or any other duly appointed city employee.
 - 123. *Zoning permit* means a permit issued by the zoning administrator to certify that the use of lands, structures, air and waters subject to this title are or shall be used in accordance with the provisions of this title.

(Prior Code, § 13-1-300; Code 1998, § 17.12.010; Ord. No. 346, § 1(part), 1997; Ord. No. 414(part), 2005; Ord. No. 479, 12-19-2017)

CHAPTER 17.16. ZONING DISTRICTS ESTABLISHED

Sec. 17.16.010. Established.

For the purposes of this title, the city is divided into the following districts and these districts, along with their corresponding map codes, are listed below. The zoning districts shall be identified on the "Official City of Omro Zoning Map" by means of these codes:

- A. A-1 agricultural district;
- B. R-1 single-family residential district;
- C. R-2 duplex;
- D. R-3 multifamily residential district;
- E. R-4 mobilehome park;
- F. R-5 planned unit development;
- G. C-1 central commercial district;
- H. C-2 highway commercial district;
- I. I-1 light industrial district;
- J. IP-1 industrial park light industrial/commercial district;

K. P-1 park and recreational district.

(Prior Code, § 13-1-40(a); Code 1998, § 17.16.010; Ord. No. 346, § 1(part), 1997; Ord. No. 358, 1998; Ord. No. 479, 12-19-2017)

Sec. 17.16.020. District map.

The boundaries of the districts enumerated in Section 17.16.010, are established on the map entitled "Official City of Omro Zoning Map," which is on file in the office of the city administrator and is made a part of this title by reference. All notations and references shown on the Official City of Omro Zoning Map are as much a part of this title as though specifically described herein.

(Prior Code, § 13-1-40(b); Code 1998, § 17.16.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.16.030. District boundaries.

- A. The district boundaries are streets or alleys unless otherwise shown. Where the designation on the Official City of Omro Zoning Map indicate that various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be such lot or block lines.

(Prior Code, § 13-1-40(c); Code 1998, § 17.16.030; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.20. A-1 AGRICULTURAL DISTRICT

Sec. 17.20.010. Permitted uses.

The following uses are permitted in A-1 Agricultural District:

- A. One-family residences;
- B. Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided;
- C. Customary accessory uses;
- D. Woodlots and tree farms.

No farm animals or exotic animals are allowed within the city's limits except as provided for chickens in Section 6.04.065 and bees in 6.04.068.

(Prior Code, § 13-1-41(a), (b); Code 1998, § 17.20.010; Ord. No. 346, § 1(part), 1997; Ord. No. 498, 2-1-2022)

Sec. 17.20.020. Dimensional requirements.

The following dimensional requirements shall apply:

- A. Maximum building height: 35 feet.
- B. Minimum lot area: five acres.

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- C. Minimum lot width: 80 feet.
 - D. Front yard setback: 25 feet.
 - E. Rear yard setback: 25 feet.
 - F. Side yard setback: 7½ feet.

(Prior Code, § 13-1-41(c); Code 1998, § 17.20.020; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.24. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 17.24.010. Purpose.

This district provides for one-family year-round residential development, protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those areas which can economically and readily be served by utilities and municipal facilities.

(Prior Code, § 13-1-42(a); Code 1998, § 17.24.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.24.020. Permitted uses.

- A. Single-family dwellings (for purposes of this title, manufactured homes are included in the definition of "single-family dwelling");
- B. Manufactured homes complying with all of the following requirements and limitations:
 - 1. The home shall be a double wide of at least 24 feet in width;
 - 2. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the building inspector; the building inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;
 - 3. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home;
 - 4. The home shall be covered by a roof pitched at a minimum slope of three inches in 12 inches, which is permanently covered with nonreflective material;
 - 5. The home shall have overhanging eaves and such other design features required of all new single-family dwellings located within the city;
- C. Private garages and carports;
- D. Authorized signs;
- E. Horticulture and gardening;
- F. Customary accessory uses, provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance;
- G. Up to two boarders or lodgers not family members;

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- H. Telephone, telegraph and power transmission towers, poles and lines, including transformers, relay and repeater stations, substations, equipment housing and other necessary appurtenant equipment and structures. A plot plan shall be submitted to the planning commission for approval.

(Prior Code, § 13-1-42(b); Code 1998, § 17.24.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.24.030. Conditional uses.

- A. Community living arrangements and day care centers which have a capacity for eight or fewer persons;
- B. Home occupations;
- C. Public and semi-private uses, including, but not limited to the following: public and private schools, churches, hospitals, day care centers, rest homes and elderly housing, bed and breakfast establishments, fire and police stations and historic sites;
- D. Duplexes which were granted a conditional use under prior City of Omro zoning ordinances are lawful conditional uses under this subsection and shall be exempt from the requirements provided in sections 17.60.020(A), (B) and (C) of this Code. Without proof of conditional use, all duplexes within this Code shall be considered existing non-conforming;
- E. Funeral homes;
- F. Mother-in-law suites.

(Prior Code, § 13-1-42(c); Code 1998, § 17.24.030; Ord. No. 346, § 1(part), 1997; Ord. No. 364, § 1, 1998; Ord. No. 387, § 1(part), 2003; Ord. No. 418(part), 2006; Ord. No. 479, 12-19-2017)

Sec. 17.24.040. Dimensional requirements.

The following dimensional requirements shall apply:

- A. Maximum building height:
1. Principal building: 42 feet or a maximum of three stories.
 2. Accessory building: 15 feet.
- B. Minimum lot width:
1. Forty-eight feet for lots platted at less than 60 feet prior to January 1, 1987.
 2. Sixty feet for lots platted at less than 80 feet prior to February 9, 1995.
 3. Eighty feet for all other lots after February 9, 1995.
 4. Sixty feet for all other lots after April 1, 2025.
- C. Minimum lot area: 6,000 square feet.
- D. Front yard setback: 20 feet.
- E. Rear yard setback:
1. Principal building: 20 feet.
 2. Accessory building: three feet.
- F. Side yard setback:
1. Principal building: 7½ feet from foundation.

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- 2. Accessory building: three feet from foundation.
 - G. Minimum living space: 1,100 square feet of which at least 800 square feet shall have floor above grade.
 - H. Finished grade at front of residence shall be established by the city engineer.
 - I. Permit application for a single-family dwelling shall include a garage of not less than 400 square feet.
(For maximum size, see chapter 17.72.)

(Prior Code, § 13-1-42(d); Code 1998, § 17.24.040; Ord. No. 346, § 1(part), 1997; Ord. No. 394(part), 2003; Ord. No. 387, § 1(part), 2003; Ord. No. 502, 4-15-2025)

CHAPTER 17.28. R-2 DUPLEX DISTRICT

Sec. 17.28.010. Purpose.

This district provides for two-family year-round residential development in areas which are serviced by adequate utilities and municipal facilities.

(Prior Code, § 13-1-43(a); Code 1998, § 17.28.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.28.020. Permitted uses.

The following uses are permitted in the R-2 Duplex District:

- A. Duplexes: two-family dwellings;
- B. Single-family dwellings, in which case the R-1 single-family residential dimensional requirements shall be followed;
- C. As listed under Section 17.24.020 C through H.

(Prior Code, § 13-1-43(b); Code 1998, § 17.28.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.28.030. Conditional uses.

- A. Community living arrangements and day care centers which have a capacity for eight or fewer persons;
- B. Home occupations;
- C. Public and semi-private uses, including, but not limited to the following: public and private schools, churches, hospitals, day care centers, rest homes and elderly housing, bed and breakfast establishments, fire and police stations and historic sites;
- D. Funeral homes.

(Prior Code, § 13-1-43(c); Code 1998, § 17.28.030; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 418(part), 2006; Ord. No. 479, 12-19-2017)

Sec. 17.28.040. Dimensional requirements.

The following dimensional requirements shall apply:

- A. Maximum building height:

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1. Principal building: 35 feet or a maximum of 2½ stories.
 2. Accessory building: 15 feet.
 - B. Minimum lot area: 8,000 square feet.
 - C. Minimum lot width: 80 feet.
 - D. Front yard setback: 25 feet.
 - E. Rear yard setback.
 1. Principal building: 25 feet.
 2. Accessory building: three feet.
 - F. Side yard setback:
 1. Principal building: 7½ feet from foundation.
 2. Accessory building: three feet from foundation.
 - G. Minimum living space: 600 square feet per unit.
 - H. Finished grade at the front of residence shall be established by the city engineer.
 - I. Permit application for a duplex shall include one or two garages with a minimum of 600 square feet.
(For maximum size see Chapter 17.72.)

(Prior Code, § 13-1-43(d); Code 1998, § 17.28.040; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 394(part), 2003)

CHAPTER 17.32. R-3 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 17.32.010. Purpose.

This district is intended to provide for multifamily year-round residential development in areas, which are serviced by adequate utilities and municipal facilities.

(Prior Code, § 13-1-44(a); Code 1998, § 17.32.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.32.020. Permitted uses.

- A. Multifamily year-round dwellings;
- B. Single-family residential and duplex uses and structures existing as of January 1, 2018 shall be considered to be legally conforming and such uses and structures may be expanded, replaced, rebuilt or altered without changing the legally conforming nature of the uses and structures;
- C. Authorized signs;
- D. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

(Prior Code, § 13-1-44(b); Code 1998, § 17.32.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 479, 12-19-2017)

Sec. 17.32.030. Conditional uses.

- A. Community living arrangements;
- B. Public and semi-private uses, including, but not limited to the following: public and private schools, churches, hospitals, day care centers, rest homes and elderly housing, bed and breakfast establishments, fire and police stations and historic sites;
- C. Rooming and boarding homes, tourist homes, bed and breakfasts and motels.

(Prior Code, § 13-1-44(c); Code 1998, § 17.32.030; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 479, 12-19-2017)

Sec. 17.32.040. Dimensional requirements.

- A. *Maximum Building Height.*
 - 1. Principal building: 35 feet or a maximum of two and one-half stories.
 - 2. Accessory building: 15 feet.
- B. Minimum lot area: 10,000 square feet and at least a minimum of 2,000 square feet per unit.
- C. Minimum lot width: 80 feet.
- D. Front yard setback: 25 feet.
- E. *Rear Yard Setback.*
 - 1. Principal building: 25 feet.
 - 2. Accessory building: ten feet.
- F. Side yard setback: ten feet from foundation or utility easement.
- G. Minimum living space: 500 square feet per unit.
- H. *Landscaping.* At least 30 percent of the site shall be open space and be landscaped with grass or permeable ground cover and shrubs or trees.
- I. Landscaping and drainage plan to be approved by the planning commission, shall include site elevations, location of garbage and recycling dumpsters, loading and parking areas, air conditioners, utility meters, etc., screening fences and plantings.
- J. The permit application shall include garages of at least 200 square feet per unit.

(Prior Code, § 13-1-44(d); Code 1998, § 17.32.040; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 479, 12-19-2017)

Chapter 17.34 R-4 MOBILE HOME DISTRICT

Sec. 17.34.010. Purpose.

This district is intended to provide year-round residential manufactured and mobile homes.

(Ord. No. 479, 12-19-2017)

Sec. 17.34.020. Permitted uses.

A. Mobile homes and other such accessory structures as authorized in Chapter 15.16 of this Code.

(Ord. No. 479, 12-19-2017)

CHAPTER 17.36. R-5 PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 17.36.010. Purpose and intent.

- A. *Purpose.* It is the purpose of this chapter to provide a method which will facilitate a more flexible mixture and pattern of development, the grouping of open spaces and arrangement of living patterns in accordance with good planning principles while providing adequate safeguards to protect the community.
- B. *Exceptions.* The city may permit in any planned district (PD) even greater flexibility in the type of uses, the area and yard requirements, the off-street parking and other regulations set forth in this chapter, subject to demonstration of appropriateness for area under construction.
- C. *Zoning Classification.* The district would be an overlay of the zone most appropriate to the predominant use proposed for the area under consideration, all regulations of the zone must be met except as varied under the planned district (PD) standards. The planned district (PD) designation is to be applied for as a conditional use within the appropriate zone. If the current zoning of area differs from the predominant use proposed, a developer must apply for the proper zoning simultaneously with the conditional use permit for the planned district (PD) overlay.
- D. *Benefit.* The overlay district allows the developer a mixture of uses and a slightly higher density than would normally be allowed in a given zone, and may allow a land use in an area which would otherwise be deemed unsuitable. In exchange for this opportunity, the city retains right of site plan review and refusal based upon: adequacy and placement of open spaces, landscaping, buffering, transportation, lighting, noise and similar considerations.

(Prior Code, § 13-1-46(a); Code 1998, § 17.36.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.36.020. Planned residential district.

A. *Permitted Uses.*

1. Any uses permitted in the underlying residential zone, including the allowed accessory structures.
2. Commercial uses permitted in the C-1 central commercial district, not to exceed five percent of the area of the planned district (PD).

B. *Standards.*

1. Each planned district (PD) shall have an area of at least 1½ acres.
2. Not less than 15 percent of the total area of the district shall be devoted to open space.
3. The residential dwellings in the planned district (PD) shall not exceed the standard density of the zoned area, except that up to ten percent of the total number of living units may be arranged in accordance with density, lot and yard requirements of R-3 multifamily residential district.

(Prior Code, § 13-1-46(b); Code 1998, § 17.36.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.36.030. Planned commercial district.

A. *Permitted Uses.*

1. Any uses permitted in the underlying commercial zone, including any allowed accessory structures.
2. Any commercial uses permitted in the C-1 central commercial district, but not to exceed a five percent of the area of the planned district (PD) requirement, unless the underlying zone is a C-1 central commercial district.

B. *Standards.*

1. Each of the planned districts (PD) shall have an area of at least 1½ acres.
2. Not less than ten percent of the total area of the planned district (PD) shall be devoted to landscaped open space.
3. The commercial units of the planned district (PD) shall not exceed the standard density of the underlying zoned area.

(Prior Code, § 13-1-46(c); Code 1998, § 17.36.030; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.36.040. Planned industrial district.

A. *Permitted Uses.*

1. Any uses permitted in the underlying industrial zone, including the allowed accessory structures.
2. Appropriate and compatible commercial uses.

B. *Standards.*

1. Each planned district (PD) shall have an area of at least 1½ acres.
2. Not less than ten percent of the total area of the planned district (PD) shall be devoted to landscaped open space.

(Prior Code, § 13-1-46(d); Code 1998, § 17.36.040; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.36.050. Administrative process.

The administrative process will include the following:

- A. Informal review of development sketch plan and considerations by the planning commission;
- B. Application for planned district (PD) conditional use overlay, with any necessary rezoning in accordance with standard conditional use and rezoning procedures, except that a preliminary scale drawing must be simultaneously submitted;
- C. Review of the conditional use permit and necessary rezoning and preliminary plan by the planning commission;
- D. Review and approval the conditional use permit and any necessary rezoning by the common council;
- E. Submission of the final plan including architects drawing showing:
 1. The location of all structures or recreational facilities;
 2. The location of all drives, entrances and sidewalks;

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3. The location, size, number, screening of all parking spaces, loading areas, garbage dumpsters, utilities, etc.;
 4. Drainage and grading plan with site elevations;
 5. A detailed proposal including covenants, agreements or other documents showing ownership and method of assuring perpetual maintenance of land to be used for common purposes;
- F. Approval of final plan by the planning commission and common council;
- G. Recording of Plats. In addition to the requirements of the subdivision regulations, plats located in a planned district (PD) shall include statements indicating:
1. That the land is a portion of a planned district (PD);
 2. That no substantive changes may be made without submission of a revised final plan, with subsequent approval by both the planning commission and common council.

(Prior Code, § 13-1-46(e); Code 1998, § 17.36.050; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

CHAPTER 17.40. C-1 CENTRAL COMMERCIAL DISTRICT

Sec. 17.40.010. Purpose.

- A. This district is intended to establish and preserve a central commercial district that is an attractive and convenient place to shop and that offers a wide range of retail uses, businesses, and government establishments and places of amusement. The central commercial district should be in a setting that is conducive to and safe for vehicular and pedestrian traffic.
- B. In blocks of the central commercial district, which are already developed, setbacks, minimum lot widths, commercial parking and truck unloading areas, for new or renovated building shall correspond with the existing setbacks, lot widths, parking areas and truck unloading areas providing that the planning commission determines that such action will be in keeping with the purposes of this chapter.

(Prior Code, § 13-1-47(a); Code 1998, § 17.40.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.40.015. Prohibited uses.

Ground floor residences are prohibited in all current and future commercial structures. Residential uses and structures existing as of January 1, 2018 shall be considered to be legally conforming and such uses and structures may be expanded, replaced, rebuilt or altered without changing the legally conforming nature of the uses and structures.

(Ord. No. 479, 12-19-2017)

Sec. 17.40.020. Permitted uses.

Facilities such as, but not limited to, the following:

- A. Retail department, grocery and specialty stores, including:
1. Antique shops;
 2. Art and school supply;

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3. Automobile accessory;
 4. Book and stationery;
 5. Camera and photographic supply;
 6. Carpet and rug (retail only);
 7. China and glassware stores;
 8. Clothing stores;
 9. Drugstores;
 10. Department stores;
 11. Dry goods;
 12. Electrical and household appliances and service stores, including radio and television;
 13. Florist shops;
 14. Food stores, including: grocery, meat, produce, bakeries, candy and delicatessens. Food stores with over 2,000 square feet of floor space are required to provide one off-street parking space for each 200 square feet of floor space;
 15. Furniture;
 16. Furrier shops;
 17. Garden supply;
 18. Gift shops;
 19. Hardware, paint and wallpaper;
 20. Hobby shops, including coins and stamps;
 21. Interior decorating;
 22. Jewelry stores;
 23. Leather goods and luggage;
 24. Liquor;
 25. Medical supply;
 26. Millinery;
 27. Music stores;
 28. Office supply;
 29. Optical sales and service;
 30. Pawnshops;
 31. Pet shops, not including veterinary offices, clinics or hospitals;
 32. Photographic studios;
 33. Picture framing;
 34. Plumbing and heating sales;
 35. Sewing and needle craft shops, including material, patterns, instruction and machines;

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- 36. Sporting goods;
 - 37. Taxidermists;
 - 38. Tobacco;
 - 39. Toys;
 - 40. Tailor shops;
 - 41. Thrift shops; and
 - 42. Variety stores.
- B. Personal and general service establishments, including:
- 1. Banks and financial institutions;
 - 2. Barbershops and beauty parlors;
 - 3. Bicycle sales, rental and repair;
 - 4. Business machine sales and service;
 - 5. Catering;
 - 6. Dry cleaning establishments with less than five full-time employees;
 - 7. Employment agencies;
 - 8. Laundromats or hand laundries;
 - 9. Newspaper distribution agencies;
 - 10. Shoe, clothing and hat repair;
 - 11. Telegraph offices;
 - 12. Ticket agencies, amusement; and
 - 13. Travel bureaus.
- C. Offices, public buildings and clinics, including:
- 1. Funeral homes;
 - 2. Medical and dental clinics, not including veterinary clinics;
 - 3. Post offices; and
 - 4. Undertaking.
- D. Recreational establishments, except drive-in theaters, but including:
- 1. Bowling alleys; and
 - 2. Theaters, indoor.
- E. Public and private institutional uses, including:
- 1. Clubs and lodges (nonprofit and fraternal), community centers; and
 - 2. Exhibits and libraries.
- F. Lodging and dining, including:
- 1. Hotels, and motels, which must provide one parking space for each sleeping room or suite; and

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- 2. Restaurants without alcoholic beverages.
 - G. Printing and communication, including:
 - 1. Blueprinting and photocopying establishments;
 - 2. Newspaper or magazine publishing;
 - 3. Radio and television stations and studios;
 - 4. Telephone booths and coin-operated telephones; and
 - 5. Telephone, telephone and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
 - H. Transportation, including:
 - 1. Bus depots;
 - 2. Public parking facilities and private parking facilities; and
 - 3. Taxi stands and bus stops.
 - I. Dwellings, provided above the ground floor of the principal use.
 - J. Accessory uses and structures customarily and clearly incidental to the permissible principal use and structure.
 - K. Essential services and utilities intended to serve the principal permitted uses.
 - L. Authorized signs.
- (Prior Code, § 13-1-47(b); Code 1998, § 17.40.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 430, 5-20-2008; Ord. No. 435, 2-17-2009; Ord. No. 479, 12-19-2017)

Sec. 17.40.030. Conditional uses.

- A. The off-street parking requirements may be modified by the planning commission on a case-by-case basis. Such requirements, if any, shall be determined in relation to use, street parking, municipality-owned parking lots and any other available parking areas.
- B. Dining and taverns, including: Bars, taverns and restaurants serving alcoholic beverages and/or including live entertainment or dancing.
- C. Wineries issued a class B license pursuant to Wis. Stats. § 125.51(3)(am), for the consumption of wine by the glass or in open containers on the premises, and for the sale of wine in the original package or container to be consumed off the premises.
- D. Micro/nano breweries, producing less than 7,500 barrels per annum, issued a brewer permit by the Wisconsin Department of Revenue pursuant to Wis. Stats. § 125.29, and wholesalers issued a license pursuant to Wis. Stats. § 125.28.
- E. Brew pubs combining a restaurant use with a brewing facility.
- F. Sexually orientated adult entertainment establishments as licensed per chapter 5.36 of this Code; said code specifically does not allow such establishments to be located within 200 feet of any residentially zoned district, church, school, day care center, public park or other licensed adult orientated establishments.
- G. Automotive fuel filling stations.

H. Automobile, boat, and small engine sales and repair services.

(Prior Code, § 13-1-47(c); Code 1998, § 17.40.030; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 404(part), 2004; Ord. No. 408, 2004; Ord. No. 430, 5-20-2008; Ord. No. 435, 2-17-2009; Ord. No. 469, § 1, 1-19-2016; Ord. No. 479, 12-19-2017)

Sec. 17.40.040. Dimensional requirements.

- A. Maximum building height: 35 feet.
- B. Minimum lot width: 40 feet.
- C. Front, rear and side yard setbacks: average of adjoining properties. Can be zero to lot line or easement if located in the downtown central district. Construction to be in accordance with state commercial building codes and fire regulations.
- D. Plot plans, which include drainage, landscaping, layout of loading areas, layout and number of parking areas, location and design of signs, location and screening of garbage and recycling dumpsters, utilities, etc., means of erosion control, and building plans and elevations with information listing type of materials and colors on exterior surfaces, shall be submitted to the planning commission for approval.

(Prior Code, § 13-1-47(d); Code 1998, § 17.40.040; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 479, 12-19-2017)

CHAPTER 17.44. C-2 HIGHWAY COMMERCIAL DISTRICT

Sec. 17.44.010. Purpose.

This district is intended to establish and preserve general commercial areas consisting of establishments, which require larger than usual lot areas and where customers reach the business establishment primarily by automobile.

(Prior Code, § 13-1-48(a); Code 1998, § 17.44.010; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

Sec. 17.44.015. Preliminary concept plan.

In order to maintain the integrity, aesthetics and growth appeal of the highway entrances to the city, a preliminary concept plan shall be submitted to the planning commission for approval prior to application of any building permits being issued for properties located in the C-2 highway commercial districts.

(Code 1998, § 17.44.015; Ord. No. 387, § 1(part), 2003)

Sec. 17.44.020. Permitted uses.

- A. Any use permitted in the C-1 central commercial district;
- B. Residential uses and structures existing as of January 1, 2017 shall be considered to be legally conforming and such uses and structures may be expanded, replaced, rebuilt or altered without changing the legally conforming nature of the uses and structures;
- C. Automobile fuel filling stations;

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- D. Sexually oriented adult entertainment establishments as licensed per chapter 5.36 of this Code; said code specifically does not allow such establishments to be located within 200 feet of any residentially zoned district, church, school, day care center, public park or other licensed adult oriented establishments;
 - E. Drive-in restaurants;
 - F. Veterinary hospitals;
 - G. Gardens, orchards and nurseries where an office or store is maintained on the premises;
 - H. Accessory uses or structures customarily incidental to the principal permitted use or structure;
 - I. Authorized signs;
 - J. Telephone, telegraph, cable television and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures. Wherever possible, cables shall be run underground;
 - K. Wholesale and building material supply establishments.

(Prior Code, § 13-1-48(b); Code 1998, § 17.44.020; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003; Ord. No. 395(part), 2003; Ord. No. 435, 2-17-2009; Ord. No. 479, 12-19-2017)

Sec. 17.44.030. Conditional uses.

The following conditional uses shall be allowed:

- A. Amusement parks, including baseball batting ranges, commercial skating rink, go-cart tracks, golf driving ranges and similar establishments;
- B. Marinas;
- C. Any conditional use permitted in R-1 single-family residential, R-2 duplex residential or R-3 multifamily residential districts, or C-1 central commercial districts;
- D. Breweries, producing up to 15,000 barrels per annum, issued a brewer permit by the Wisconsin Department of Revenue pursuant to Wis. Stats. § 125.29;
- E. Automobile, boats, mobile homes and construction equipment dealers, sales and engine service or repair shops;
- F. Agriculture-related business such as feed mills, farms coops, farm implement dealers and other uses of similar nature;
- G. Drive-in theaters;
- H. Shopping centers and malls;
- I. Reserved.
- J. Storage facilities.

(Prior Code, § 13-1-48(c); Code 1998, § 17.44.030; Ord. No. 346, § 1(part), 1997; Ord. No. 373, § 1(part), 2001; Ord. No. 387, § 1(part), 2003; Ord. No. 395(part), 2003; Ord. No. 404(part), 2004; Ord. No. 450, § 1, 2-1-2011; Ord. No. 169, § 1, 1-19-2016; Ord. No. 479, 12-19-2017)

Sec. 17.44.040. Dimensional requirements.

The following dimensional requirements shall apply:

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- A. Maximum building height: 35 feet.
 - B. Minimum lot width: 100 feet.
 - C. Front and rear yard setback: 25 feet.
 - D. Side yard setback: ten feet.
 - E. Plot plans, which include drainage, landscaping, layout of loading areas, layout and number of parking areas, location and design of signs, location and screening of garbage dumpsters, utilities, etc., means of erosion control and building plans and elevations with information listing type of materials and colors on exterior surfaces, shall be submitted to the planning commission for approval.

(Prior Code, § 13-1-48(d); Code 1998, § 17.44.040; Ord. No. 346, § 1(part), 1997; Ord. No. 387, § 1(part), 2003)

CHAPTER 17.48. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 17.48.010. General purpose and conditions.

This district is intended to provide for manufacturing and industrial operations outside of the Omro Industrial Park, which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance, or similar factors relating to the public health, welfare and safety.

(Code 1998, § 17.48.010; Ord. No. 420(part), 2007; Ord. No. 479, 12-19-2017)

Sec. 17.48.020. Permitted uses.

The following uses are permitted in the I-1 Light Industrial District: permitted uses are those such as, but not limited to, the following:

- A. Any permitted use in the C-2 Highway Commercial District;
- B. Wholesale business;
- C. Printing and publishing;
- D. Manufacture or products from paper, but not the manufacture of paper or pulp;
- E. Manufacturing and bottling of nonalcoholic beverages;
- F. Processing, packing and manufacture of feed, except meat and meat products, fish and fish products, sauerkraut and cabbage products;
- G. Manufacture of products from wood, except the manufacture of paper or paper pulp;
- H. Manufacture of sporting goods, home and office appliances and supplies;
- I. Manufacture of goods from leather, but not the tanning of hides or manufacture of leather;
- J. Commercial recycling operations;
- K. Transportation terminals and facilities;
- L. Laboratories;
- M. Manufacture of jewelry and cosmetics;

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- N. Manufacture of cigars, cigarettes and smoking tobacco;
 - O. Blacksmithing, tinsmithing, sheet metal working, and plumbing shops;
 - P. Manufacture of goods from plastic;
 - Q. Wholesale brewing operations;
 - R. Accessory uses clearly incidental to a permitted use;
 - S. Authorized signs;
 - T. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, wherever possible, cables shall be underground;
 - U. Public works, water and sewer facilities.

(Code 1998, § 17.48.020; Ord. No. 420(part), 2007; Ord. No. 479, 12-19-2017)

Sec. 17.48.030. Conditional uses.

The following conditional uses shall be allowed:

- A. Any conditional use in C-2 Highway Commercial Districts.
- B. Breweries issued a brewer permit by the Wisconsin Department of Revenue pursuant to Wis. Stats. § 125.29, and wholesalers issued a license pursuant to Wis. Stats. § 125.28.
- C. Other uses found to be compatible with the purpose of this district, subject to the approval of the plan commission.
- D. Storage facilities.
- E. Knitting mills and the manufacture of products from the finished product.
- F. Cleaning, dyeing and pressing establishments, and laundries, except bag cleaning.
- G. Enameling and painting establishments.
- H. Farm related industries.

(Code 1998, § 17.48.030; Ord. No. 420(part), 2007; Ord. No. 450, § 1, 2-1-2011; Ord. No. 469, § 1, 1-19-2016; Ord. No. 479, 12-19-2017)

Secs. 17.48.040—17.48.060. Reserved.

Ord. No. 479, adopted Dec. 19, 2017, repealed §§ 17.48.040—17.48.060, which pertained to Omro area development corporation industrial park protective covenants; Omro industrial park land use; plans and specifications; and derived from Code 1998, §§ 17.48.040—17.48.060; Ord. No. 420, 2007.

Sec. 17.48.070. Development standards.

- A, B. Reserved.
- C. *Setback Requirements.*

-
1. *Front Yard.* No building shall be constructed on a site nearer than 30 feet of the right-of-way of any public street or highway. In the case of corner lots, no building shall be constructed within the designated setback of both abutting public streets or highways.
 2. *Side Yard.* The minimum side yard shall be 20 feet. In the event that two adjoining sites shall be owned by the grantee and in the improvements of such site a building shall be erected on these combined sites, then the side yard requirements on the interior line are waived.
 3. *Rear Yard.* The minimum rear yards shall be 20 feet, except the lots abutting U.S. Highway 21, will be setback 30 feet from U.S. Highway 21.

D, E. Reserved.

F. *Outdoor Storage.*

1. No outside storage of any kind (including pallets and skids) shall be permitted unless such storage material is visually screened from all access streets, U.S. Highway 21, and adjacent properties with a suitable fence at least six feet in height. Said screening shall form a complete opaque screen at least six feet or higher if needed.
2. No storage shall be permitted between a frontage street, or public street, highway, and building line.
3. No waste materials of refuse may be dumped or permitted to remain on any part of the property outside of the building.
4. Storage of fuel, oil, or other bulk fluids must be underground.
5. Fences, walls or hedges may not exceed forward of building setback lines.

G. *Street Number Marking.* All buildings in the Omro Industrial Park must have their street number displayed in a clearly visible and lighted area on the side of the building facing the street. This will allow the building to be quickly located in the case of an emergency.

H. Reserved.

I. *Loading Docks.*

1. Reserved.
2. A designated maneuvering area shall be established within the dimensions of the site, and in observance of the respective setback requirements.
3. All loading and maneuvering areas shall be entirely contained on-site and behind the property line. No vehicle shall be allowed to protrude beyond the property line while loading or unloading.

J. *Refuse Collection Areas.* No rubbish may be burned on the premises except in an incinerator especially constructed and designated for this operation and approved by the Wisconsin Department of Industry, Labor, and Human Relations.

(Code 1998, § 17.48.070; Ord. No. 420(part), 2007; Ord. No. 479, 12-19-2017)

CHAPTER 17.49. IP-1 INDUSTRIAL PARK LIGHT INDUSTRIAL/COMMERCIAL DISTRICT

Sec. 17.49.010. General purpose and conditions.

This district is intended to provide for light manufacturing and light industrial operations, which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance, or similar factors relating to the public health, welfare and safety. All properties in this district are governed under the protective covenants of the Omro Area Development Corporation.

(Ord. No. 479, 12-19-2017)

Sec. 17.49.020. Permitted uses.

Permitted uses are those such as, but not limited to, the following:

- A. Wholesale business;
- B. Printing and publishing;
- C. Manufacture of products from paper, but not the manufacture of paper or pulp;
- D. Manufacturing and bottling of nonalcoholic beverages;
- E. Processing, packing and manufacture of feed, except meat and meat products, fish and fish products, sauerkraut and cabbage products;
- F. Manufacture of products from wood, except the manufacture of paper or paper pulp;
- G. Manufacture of sporting goods, home and office appliances and supplies;
- H. Manufacture of goods from leather, but not the tanning of hides or manufacture of leather;
- I. Commercial recycling operations;
- J. Transportation terminals and facilities;
- K. Laboratories;
- L. Manufacture of jewelry and cosmetics;
- M. Manufacture of cigars, cigarettes and smoking tobacco;
- N. Blacksmithing, tinsmithing, sheet metal working, and plumbing or electrical shops;
- O. Manufacture of goods from plastic;
- P. Wholesale brewing operations;
- Q. Properties fronting Highway 21 only: Any permitted use in the C-2 highway commercial district with approval of the Omro Area Development Corporation;
- R. Accessory uses clearly incidental to a permitted use;
- S. Authorized signs;
- T. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, wherever possible, cables shall be underground.

(Ord. No. 479, 12-19-2017)

Sec. 17.49.030. Conditional uses.

- A. Other uses found to be compatible with the purpose of this district, subject to the approval of the Omro Area Development Corporation and the plan commission.
- B. Knitting mills and the manufacture of products from the finished product.
- C. Cleaning, dyeing and pressing establishments, and laundries, except bag cleaning.
- D. Enameling and painting establishments.

(Ord. No. 479, 12-19-2017)

Sec. 17.49.040. Omro area development corporation industrial park protective covenants.

IP-1 light industrial park zoned property which is located in the Omro industrial park is subject to the conditions, covenants, restrictions, easements and protections hereby declared to insure proper use and appropriate development and improvements of each building site thereof; to protect the environment in this planned Omro industrial park; to guard against the erection thereon of structures built of improper or unsuitable materials; to require conformance to applicable zoning ordinances and building codes; to insure reasonable development of said property as an industrial district including, but not limited to, proper setbacks from the street, adequate free space between structures, adequate parking, and in general, to provide for a high quality of improvements on said property, to insure that each building site will not adversely affect the general plan for physical development of the industrial workers in the area, nor be detrimental to the use or development of other properties in the Omro industrial park. The City of Omro shall have the right to enforce any and all covenants that are deemed necessary to protect the environment of the Omro Industrial Park.

(Ord. No. 479, 12-19-2017)

Sec. 17.49.050. Plans and specifications.

- A. No buildings, fence, wall, sign, advertising device, roadway, loading facility, outside storage facility, parking areas, site grading, planting, landscaping, facility for industrial waste or sewage disposal, nor any other improvement shall be commenced, erected or constructed, nor shall any addition thereto or change or alteration therein be made (except to the interior of a building), nor shall any change in the use of any premises be made, until the plans and specifications therefore, showing any natural, kind, shape, height, material, color scheme, lighting and location on the lot of the proposed use or change in the use of the premise, shall have been submitted to and approved in writing by the building inspector and the Omro Area Development Corporation. A copy of plans and specifications as finally approved shall be filed permanently with the Omro Area Development Corporation. The plans and specifications required under this subsection shall be submitted to the Omro Area Development Corporation within one year of any purchase of industrial park property.
- B. In the event the Omro Area Development Corporation should fail to approve or disapprove in writing such site plans and elevation sketch within 30 days after they have been submitted to the Omro Area Development Corporation, such approval will not be required and the applicable covenant will be deemed to have been complied with.
- C. The City of Omro and the Omro Area Development Corporation or the lessor reserves the right to construct utility lines overhead and utility line, pipes and conduits underground through an area of not more than ten feet in width across the real estate covered by this instrument and the grantee or lessee agrees to execute any and all instruments necessary and reasonable for the further development of the district, including the

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granting of easements of not more than 30 feet in width for future gas, water, sewerage, telephone, entrance and access roads and electrical lines, provided that no such area or easements shall interfere with any building planned for or constructed on the said real estate by the grantee or lessee.

- D. Construction and alteration of all improvements in the Omro industrial park shall be in accordance with the requirements of all applicable building, zoning, and other codes and regulations.
- E. All spoil excavated or dug or topsoil or black dirt on the Omro Industrial Park premises or any excess of such spoil excavated during construction, shall be reviewed and directed by the Omro City Engineer or Designee as to a location within the Omro Industrial Park as the Omro Area Development Corporation shall in writing designate. The owner of the lot from which such clean spoil are being removed shall be responsible for all costs including but not limited to the leveling, grade preparation, silt fencing and erosion control, proper compaction on any area so designated for depositing the excess spoil within the Omro Industrial Park premises.

(Ord. No. 479, 12-19-2017)

Sec. 17.49.060. Development standards.

A. *Buildings.*

- 1. The front facade and street side facades shall be made of bricks, stones, architectural concrete panels, architectural metals, architectural woods and/or glasses. Unfaced concrete block, structural concrete, prefabricated metal siding, and the like are discouraged from such facade areas. The use of these materials elsewhere shall only be in a manner approved by the Omro Area Development Corporation.
- 2. All elevations of the building shall be designed in a consistent and coherent architectural manner. No building shall exceed a maximum height of 35 feet.
- 3. All buildings shall be no less than 2,500 square feet.
- 4. No materials, supplies, or products shall be stored; temporarily stored, or permitted to remain on the premises outside a permanent structure without prior written consent of the Omro Area Development Corporation.

B. *Parking.*

- 1. All present and future vehicular parking, including trucks, trailers, employee and visitor parking shall be provided on the premises and shall comply with all the provisions of the applicable Omro City zoning regulations (see section 17.64.020(G)) and the requirements of the state statutes for accessibility.
- 2. Parking is prohibited on all public streets within the Omro industrial park area.
- 3. Sufficient off-street parking shall be provided for and planned for all the businesses' employees, customers, and visitors.
 - a. A minimum parking space ratio of two spaces for each three employees shall be required on the maximum employment labor shift of the grantee. Grantee shall follow all ADA codes as required by law.
 - b. The total parking area space shall be a minimum of 180 square feet per car.
 - c. Lots bounded by more than one road may have parking areas within the building setback lines along roads other than the road on which the building fronts, subject to approval of the Omro Area Development Corporation.
 - d. All parking areas and drives located to the sides, rear and front of any building shall be improved with concrete, asphalt, or asphalt millings within 12 months from time of occupancy of the

building improvement constructed on the site. Parking areas in the Omro industrial park shall be maintained in a dust-free manner and must be properly drained. If said parking area of other required improvements are not to be completed at the time of occupancy, a quote must be presented documenting the amount of said postponed improvement(s) and an escrow as designated by the City of Omro Administrator or letter of credit (or bond) equivalent to 110 percent of said quote must be provided to the Omro Area Development Corporation prior to occupancy.

- e. All driveway aprons in the city right of way must be concrete or asphalt and meet all dimensions and specifications per Omro City Ordinance.

C. *Setback Requirements.*

1. *Front Yard.* No building shall be constructed on a site nearer than 30 feet of the right-of-way of any public street or highway. In the case of corner lots, no building shall be constructed within the designated setback of both abutting public streets or highways.
2. *Side Yard.* The minimum side yard shall be 20 feet.
3. *Rear Yard.* The minimum rear yards shall be 20 feet, except the lots abutting U.S. Highway 21 will be setback 30 feet from U.S. Highway 21.

D. *Signs.*

1. A scale drawing of any sign, trademark, or advertising device to be used on any lot or exterior of any building or structure shall be submitted to the Omro Area Development Corporation for approval prior to obtaining a sign permit. Normally, the occupant's trademark and/or trade name may be displayed on the building in the manner in which they are generally used by the occupant.
2. Signs within the Omro industrial park shall comply with the City of Omro sign ordinance in effect on the date a sign is installed.
3. Billboards are not permitted.
4. Signs to be placed on the building or premises of the previously-described land are prohibited unless such sign(s) has been reviewed and approved by the Omro Area Development Corporation. The decision on signs shall be based upon the design, location, size, and appropriateness to the area of the proposed sign(s) as well as the city of Omro sign ordinance.

E. *Landscaping/Fencing.*

1. The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, groundcover (grass), and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner, within one year after construction is completed. The entire area of any property fronting on the U.S. Highway 21 shall be densely landscaped with a combination of landscape plantings and each berming to create an effective visual screen on all use areas with the exception of the building facade.
2. Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrubs and trees.
3. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition and shall be landscaped, as required by the Omro Area Development Corporation and municipal code.
4. Fences, walls, structural, or other landscape foliage (other than grass) may not exceed forward of the city right of way.

F. *Outdoor Storage.*

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1. No outside storage of any kind (including pallets and skids) shall be permitted unless such storage material is visually screened from all access streets, U.S. Highway 21, and adjacent properties with a suitable fence at least six feet in height or equal to the height of said contained material, whichever is greater. Said screening shall form a complete opaque screen six feet or higher if needed or required by the Omro Area Development Corporation.
 2. No storage shall be permitted between a frontage street, or public street, highway, and building line.
 3. No waste materials of refuse may be dumped or permitted to remain on any part of the property outside of the building.
 4. Storage of fuel, oil, or other bulk fluids must be underground.
- G. *Street Number Marking.* All buildings in the Omro industrial park must have their street number displayed in a clearly visible and lighted area on the side of the building facing the street. This will allow the building to be quickly located in the case of an emergency.
- H. *Loading Docks.*
1. Any lots fronting U.S. Highway 21 shall have loading docks facing Barnard Drive.
 2. A designated maneuvering area shall be established within the dimensions of the site, and in observance of the respective setback requirements.
 3. All loading and maneuvering areas shall be entirely contained on-site and behind the property line. No vehicle shall be allowed to protrude beyond the property line while loading or unloading.
- I. *Refuse Collection Areas.* No rubbish may be burned on the premises, within the Omro industrial park except in an incinerator especially constructed and designated for this operation and approved by the Omro Area Development Corporation and the Wisconsin Department of Industry, Labor, and Human Relations.
- J. *Maintenance.*
1. Each lot owner shall at all times keep his or her premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall keep all grass (mowed and under eight inches in height), trees, and shrubbery in good appearance at all times and shall comply with all laws, ordinances, and regulations pertaining to health and safety codes. Each lot owner shall provide for the removal of trash and rubbish from his or her premises.
 2. During construction, it shall be the responsibility of each lot owner to ensure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, shacks, and the like are kept in a neat and orderly manner.
 3. It is the responsibility of the property owner to ensure that the landscaping is maintained in an attractive condition. The property owner shall replace any damaged or dead trees, shrubs, groundcovers, and sod within 12 months or upon notifications by the Omro Area Development Corporation.
 4. The declarant agrees to maintain all undeveloped land owned by it within the Omro industrial park in a manner compatible with the provisions of the covenants of the Omro Area Development Corporation and the city ordinances.
 5. The lot owner and prime contractor(s) shall control soil and water loss, so as to prevent damage to other properties and structures in the Omro industrial park and beyond.

(Ord. No. 479, 12-19-2017)

CHAPTER 17.52. P-1 PARK AND RECREATIONAL DISTRICT

Sec. 17.52.010. Purpose.

The P-1 park and recreational district is intended to provide for parks, recreational and other outdoor areas. All new parks, recreational and other outdoor areas shall be approved by the park committee and the common council before their creation.

(Prior Code, § 13-1-50(a); Code 1998, § 17.52.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.52.020. Permitted uses.

The following uses are permitted in the P-1 Park and Recreational District:

- A. Parks, recreational areas and other open space uses;
- B. Accessory uses clearly incidental to a permitted use;
- C. Management of forestry, wildlife and fish;
- D. Management and harvesting of wild crops, such as berries, fruits, seeds, ferns and flowers.

(Prior Code, § 13-1-50(b); Code 1998, § 17.52.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.52.030. Conditional uses.

The following conditional uses are allowed in the P-1 Park and Recreational District:

- A. Orchards;
- B. Wildlife preserves.

(Prior Code, § 13-1-50(c); Code 1998, § 17.52.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.52.040. Dimensional requirements.

All buildings and other improvements within the P-1 Park and Recreational District shall conform to the dimensional requirements of the R-1 Single-Family Residential District.

(Prior Code, § 13-1-50(d); Code 1998, § 17.52.040; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.54. WELLHEAD PROTECTION OVERLAY DISTRICT

Sec. 17.54.010. Title of chapter.

The ordinance codified in this chapter shall be known, cited and referred to as the "Wellhead Protection Overlay District Ordinance" (hereinafter referred to as "WHP Ordinance.")

(Code 1998, § 17.54.010; Ord. No. 406(part), 2004)

Sec. 17.54.020. Purpose, authority and application.

- A. Residents in the City of Omro depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this

WHP Ordinance is to institute land use regulations and restrictions to protect the city's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City of Omro.

- B. Statutory authority of the city to enact these regulations was established by the Wisconsin Legislature in Wis. Stats. § 62.23(7)(a). Under these statutes, the city has the authority to enact the ordinance codified in this chapter, effective in the incorporated areas of the city, to encourage the protection of groundwater resources.
- C. The regulations specified in this WHP Ordinance shall apply within the city's corporate limits.

(Code 1998, § 17.54.020; Ord. No. 406(part), 2004)

Sec. 17.54.030. Definitions.

- A. *Aquifer* means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
- B. *Existing facilities* means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the city's wellhead protection area that lies within the corporate limits of the city. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.
- C. *Groundwater protection overlay district* means that portion of the recharge area for the city wells that lies within the city limits as shown in the map attached hereto as Exhibit "A" and incorporated herein as if fully set forth.
- D. *Recharge area* means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Omro.
- E. *Well field* means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(Code 1998, § 17.54.030; Ord. No. 406(part), 2004)

Sec. 17.54.040. Groundwater protection overlay district.

- A. *Separation Distances.* The following minimum separation distances shall be maintained within the groundwater protection overlay district:
 - 1. 50 feet between a well and storm sewer main.
 - 2. 200 feet between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed pursuant to request under Section 17.54.050, for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) 600 specifications. In no case may the separation distances between a well and sanitary sewer main be less than 50 feet.
 - 3. 400 feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

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4. 600 feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the state or its designated agent under Wis. Admin. Code ch. ATCP 93.
 5. 1,000 feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
 6. 1,200 feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary land fill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from commerce or its designated agent under Wis. Admin. Code ch. ATCP 93 bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
- B. *Three Overlay District Zones.* This district is divided into Zones A, B and C.
1. *Zone A.* Identification as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is more restrictive than Zones B and C.
 2. *Permitted Uses; Zone A.* The following uses are permitted uses within the groundwater protection Zone A. Uses not listed shall be considered prohibited uses.
 - a. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use;
 - b. Playgrounds;
 - c. Wildlife areas;
 - d. Nonmotorized trails, such as bike, skiing, nature and fitness trails;
 - e. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).
 3. *Zone B.* Identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A, but more restrictive than Zone C.
 4. *Permitted Uses; Zone B.* The following uses are permitted uses within the groundwater protection Zone B. Uses not listed shall be considered prohibited uses.
 - a. All uses listed as permitted in Zone A;
 - b. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers;
 - c. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Wis. Admin. Code ch. ATCP 93;
 - d. Residential, commercial and industrial property which is municipally sewered or has a state approved sewer and septic system.
 5. *Zone C.* Identified as the groundwater protection overlay district, excluding those areas within Zones A and B.
 6. *Permitted Uses; Zone C.* All uses listed as permitted in Zones A and B. Individuals and/or facilities may make a request to the planning commission pursuant to Section 17.54.050 to permit additional land use in Zone C.
 7. *Mapping.* The location and boundaries of the zoning districts established by the ordinance codified in this chapter are set forth on Exhibit "A" which is incorporated in this chapter and made a part of this

chapter. The map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.

Code 1998, § 17.54.040; (Ord. No. 406(part), 2004)

Sec. 17.54.050. Review of permit application.

- A. The City of Omro planning commission shall review all requests for approval of permits for uses in the groundwater protection overlay district pursuant to Sections 17.54.040A.2. and B.6. All determinations shall be made by the City of Omro planning commission within 60 days of any request for approval; provided however, that this 60-day period of limitation may be extended by the City of Omro planning commission for "good cause," as determined in the sole and absolute discretion of the City of Omro planning commission.
- B. Upon reviewing all requests for approval, the City of Omro planning commission shall consider all of the following factors:
 - 1. The city's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens;
 - 2. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Omro or the city's recharge area;
 - 3. The economic hardship which may be faced by the landowner if the application is denied;
 - 4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options;
 - 5. The proximity of the applicant's property to other potential sources of contamination;
 - 6. The then existing condition of the city's groundwater public water wells and well fields, and the vulnerability to further contamination;
 - 7. The direction of flow of groundwater and other factors in the area of the application's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

(Code 1998, § 17.54.050; Ord. No. 406(part), 2004)

Sec. 17.54.060. Requirements for existing facilities and land uses.

- A. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the City of Omro.
- B. Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the City of Omro planning commission, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
- C. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- D. Existing facilities shall have the responsibility of devising and/or filing with the City of Omro, a contingency plan satisfactory to the planning commission for the immediate notification of the appropriate City of Omro officers in the event of an emergency.
- E. Property owners with an existing agricultural use shall be exempt from requirements of this chapter as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the

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property owners in existence at the time of passage of the ordinance codified in this chapter and this exemption shall not constitute a covenant running with the land.

(Code 1998, § 17.54.060; Ord. No. 406(part), 2004)

Sec. 17.54.070. Enforcement and penalties.

- A. In the event an individual and/or facility causes the release of any contaminants which endanger the groundwater protection overlay district, the individual/facility causing such release shall immediately cease and desist, and provide clean-up satisfactory to the City of Omro.
- B. The individual/facility shall be responsible for all costs of cleanup and the City of Omro consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:
 - 1. The cost of city employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the city, representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits;
 - 2. The cost of city equipment employed;
 - 3. The cost of mileage reimbursed to the city employees attributed to the cleanup.
- C. Following any such discharge, the city may require additional test monitoring or other requirements as outlined in Section 17.54.060 and this section.
- D. Violations. It is unlawful to construct or use any structure, land or water in violation of this chapter. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this chapter.
- E. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$100.00 nor more than \$500.00 plus the costs of the prosecution of each violation, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(Code 1998, § 17.54.070; Ord. No. 406(part), 2004)

CHAPTER 17.56. CONDITIONAL USES

Sec. 17.56.010. Purpose.

The development and execution of this chapter is based upon the division of the city into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, 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 of 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 those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this chapter.

(Prior Code, § 13-1-80; Code 1998, § 17.56.010; Ord. No. 346, § 1(part), 1997)

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Sec. 17.56.020. Planning commission authority; requirements.

- A. The planning commission may authorize the zoning official to issue a conditional use permit for either regular or limited conditional use after review and a public hearing, provided that such conditional use and involved structure are found to be in accordance with the purpose and intent of this zoning code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment, or the value of the neighborhood, or the community. Such a planning commission resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises.
- B. Prior to the granting of a conditional use, the planning commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- C. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the planning commission upon its finding that these are necessary to fulfill the purpose and intent of this title.
- D. Compliance with all other provisions of this title, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses.

(Prior Code, § 13-1-81; Code 1998, § 17.56.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.030. Initiation of conditional use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(Prior Code, § 13-1-82; Code 1998, § 17.56.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.040. Application.

- A. *Required Application Materials.* An application for a conditional use shall be filed on a form prescribed by the city. Such applications shall be forwarded to the planning commission on receipt by the city administrator. Such applications shall include, where applicable:
 - 1. A statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 17.56.070;
 - 2. The names and addresses of the applicant, the owner of the site, the architect, the professional engineer, the contractor, and all the property owners of record within 200 feet;
 - 3. Description of the subject site by lot description, 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 lies;
 - 4. Plat of survey showing all of the information required for a building permit and existing and proposed landscaping;

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5. The planning commission or other officer of the city may require such other information as may be necessary to determine and provide for an enforcement of this title, including a plan showing contours and soil types; high=water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- B. *Plans.* In order to secure information upon which to base its determination, the planning commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
1. The location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, and lighting;
 2. Specifications for areas of proposed filling and grading;
 3. Other pertinent information necessary to determine if the proposed use meets the requirements of this title.

(Prior Code, § 13-1-83; Code 1998, § 17.56.040; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.050. Hearing on application.

Upon receipt of the application and statement referred to in Section 17.56.040, the planning commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the planning commission shall, by rule, prescribe, from time to time.

(Prior Code, § 13-1-84; Code 1998, § 17.56.050; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.060. Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 notice, as prescribed by the Wisconsin State Statutes, at least ten days prior to the public hearing in the official city newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning official, members of the planning commission, and the owners of record as listed in the office of the city assessor who are owners of property in whole or in part situated within 200 feet of the boundaries of the properties affected, such notice to be sent at least ten days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(Prior Code, § 13-1-85; Code 1998, § 17.56.060; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.070. Standards to be met before conditional use granted.

No application for a conditional use shall be granted by the planning commission on appeal unless the following conditions are present:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- 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 the

establishment, maintenance, or operation of the conditional use and the proposed use is compatible with the use of adjacent land;

- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- E. 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;
- F. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located;
- G. That the proposed use does not violate floodplain regulations governing the site;
- H. That, when applying the above standards to any new construction of a building or an addition to an existing building, the planning commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district;
- I. That, in addition to passing upon a conditional use permit, the planning commission shall also evaluate the effect of the proposed use upon:
 - 1. The maintenance of safe and healthful conditions;
 - 2. The prevention and control of water pollution including sedimentation;
 - 3. Existing topographic, and drainage features, and vegetative cover on the site;
 - 4. The location of the site with respect to floodplains and floodways of rivers and streams;
 - 5. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover;
 - 6. The location of the site with respect to existing or future access roads;
 - 7. The need of the proposed use for a shoreland location;
 - 8. Its compatibility with uses on adjacent land;
 - 9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Prior Code, § 13-1-86; Code 1998, § 17.56.070; Ord. 346, § 1(part), 1997)

Sec. 17.56.080. Denial of conditional use permit.

When a decision of denial of a conditional use application is made, the planning commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the planning commission has used in determining that each standard was not met.

(Prior Code, § 13-1-87; Code 1998, § 17.56.080; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.090. Appeals.

Any action of the planning commission in granting or denying a conditional use permit may be appealed to the zoning board of appeals, if a written request for an appeal is filed within ten days after the date of the planning commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least 20 percent of the land area immediately adjacent extending 200 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 200 feet from the street frontage of such opposite land. The request shall be filed with the zoning official who shall submit it to the zoning board of appeals at its next meeting, together with any documents and other data used by the planning commission in reaching its decision. The zoning board of appeals may consider the matter forthwith, refer the matter to a subsequent meeting, or set a date for a public hearing thereon. In the event the zoning board of appeals elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official city newspaper at least ten days before the date of the hearing. The zoning board of appeals may either affirm or reverse by a two-thirds vote, in whole or in part, the action of the planning commission and may finally grant or deny the application for a conditional use permit.

(Prior Code, § 13-1-88; Code 1998, § 17.56.090; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.100. Conditions and guarantees.

The following provisions shall apply to all conditional uses:

A. Conditions.

1. Prior to the granting of any conditional use, the planning commission, or the zoning board of appeals on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 17.56.070.
2. In all cases in which conditional uses are granted, the planning commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - a. Landscaping;
 - b. Type of construction;
 - c. Construction commencement and completion dates;
 - d. Sureties;
 - e. Lighting;
 - f. Fencing;
 - g. Operational control;
 - h. Hours of operation;
 - i. Traffic circulation;
 - j. Deed restrictions;
 - k. Access restrictions;

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- l. Setbacks and yards;
 - m. Type of shore cover;
 - n. Specified sewage disposal and water supply systems;
 - o. Planting screens;
 - p. Piers and docks;
 - q. Increased parking;
 - r. or any other requirements necessary to fulfill the purpose and intent of this title.
 - B. *Site Review.* In reviewing each application, the planning commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The planning commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, stormwater detention, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation/use.
 - C. *Alteration of Conditional Use.* No alteration of a conditional use shall be permitted unless approved by the planning commission.
 - D. *Architectural Treatment.* The proposed architectural treatment will be in general harmony with the surrounding uses and the landscape. To this end, the planning commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
 - E. *Conditional Uses to Comply with Other Requirements.* Conditional uses shall comply with all other provisions of this title, such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards, or the possibility of accident, including use of explosives.

(Prior Code, § 13-1-89; Code 1998, § 17.56.100; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.110. Validity of conditional use permit.

Where the planning commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the planning commission action unless the use is commenced, construction is underway, or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the zoning official shall notify the holder by certified mail of such revocation. The planning commission may extend such permit for a period of 90 days for justifiable cause, if application is made to the city at least 30 days before the expiration of the permit.

(Prior Code, § 13-1-90; Code 1998, § 17.56.110; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.120. Complaints regarding conditional uses.

- A. The planning commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the zoning official to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to, or after approval, or violation of any other provision of this zoning code.

Upon written complaint by any citizen or official, the planning commission shall initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 17.56.070, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 17.56.060. Any person may appear at such hearing and testify in person, or be represented by an agent, or attorney. The planning commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 17.56.070 or conditions previously imposed by the planning commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use as provided in Section 17.56.100.

- B. Additionally, the offending party may be subjected to a forfeiture as set forth in this title and Section 1.24.010. In the event that no reasonable modification of such conditional use can be made in order to ensure that the standards in Section 17.56.070 A. and B. will be met, the planning commission may revoke the subject conditional approval and direct the zoning official and the city attorney to seek elimination of the subject use. Following any such hearing, the decision of the planning commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the planning commission under this section may be taken to the zoning board of appeals.

(Prior Code, § 13-1-91; Code 1998, § 17.56.120; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.130. Bed and breakfast establishments.

- A. *As Conditional Use.* Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to the requirements of this chapter.
- B. *Definitions.*
1. *Agent* means the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the zoning official upon issuance of the permit and updated five days prior to a designated agent taking charge.
 2. *Bed and breakfast establishment* means any place of lodging that provides ten or fewer rooms for rent for more than ten nights in a 12-month period, is the owner's personal residence, is occupied by the owner or agent at the time of rental and in which the only meal served to guests is breakfast.
- C. *Regulations.*
1. *Location.* All bed and breakfast units shall be established within a principle structure only.
 - a. A bed and breakfast may be located in a formally designated local, state or national historical structure with an area of not less than 1,000 square feet of living space.
 - b. A bed and breakfast may be located in an existing single-family dwelling with an area of not less than 1,000 square feet of living space, however, a new single-family dwelling shall not be constructed for the purpose of establishing a bed and breakfast.
 2. *Number of Units.* There will be a maximum of ten bed and breakfast units may be established in a structure.
 3. *Domicile Requirement.* The bed and breakfast shall be the domicile for the owner or manager. "Domicile" means the principal place of residence as fixed for legal purposes.
 4. *Employee Restriction.* The bed and breakfast shall employ not more than the equivalent of two full-time persons who are not domiciled in the principal structure.
 5. *Dining and Other Facilities.* Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.

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6. *Compliance with State Standards.* All of the bed and breakfast establishments and licensees shall be subject to and shall comply with Wis. Admin. Code ch. DHS 197, which relates to bed and breakfast establishments or the Wis. Admin. Code ch. DHS 195, which relates to hotels, motels and tourist rooming houses.
 7. *Registry.* Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a city representative for a period of not less than one year.
- D. *Permit Required.*
1. *City Permit Required.* In addition to the permit required by Wis. Admin. Code ch. DHS 195 or 197, before opening for business every bed and breakfast establishment shall obtain a permit from the zoning official by application made upon a form furnished by the zoning officer and shall obtain a conditional use permit.
 2. *Application Requirements.* The following is required to be furnished at the time an application is filed for a conditional use permit and in addition to the other application requirements of this chapter:
 - a. A site plan which shows the location and size of all the buildings, parking areas, and signs;
 - b. The number of, surfacing, and size of parking stalls; and
 - c. The number of, size of, and lighting of signs.
 3. *Display of Permit.* The permit issued by the zoning official shall be conspicuously displayed in the bed and breakfast establishment.
- E. *Off-Street Parking Required.* Permits shall be issued only to those establishments that provide a minimum of one improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this section regulating the bed and breakfast establishments shall not be subject to the other requirements of the zoning code with respect to traffic, parking and access.
- F. *On-Site Signs.* Total signage shall be limited to a total of 12 square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this section regulating the bed and breakfast establishments shall not be subject to the requirements of this zoning code with respect to signs.
- G. *Termination of Permit.* A bed and breakfast use permit shall be void upon the sale or transfer of the property ownership. The planning commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection D of this section, shall be valid until terminated by action of the zoning official for violation of the provisions of this section, or of State of Wisconsin regulations, as set forth in by Wis. Admin. Code ch. DHS 195 or 197, or as above provided.

(Prior Code, § 13-1-92; Code 1998, § 17.56.130; Ord. No. 346, § 1(part), 1997)

Sec. 17.56.140. Home occupations.

- A. *Intent.* The intent of this section is to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential district to a commercial district. Approval of an expansion of a home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- B. *Permitted Home Occupations; Restrictions.* Home occupations, including professional home offices, meeting the requirements of this subsection are a permitted use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following requirements:

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1. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 2. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 3. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
 4. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.
 5. Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed four square feet.
 6. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 7. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products, or the sale of items or products on the premises. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agency, and computer-based consulting and clerical services.
 8. A permitted home occupation shall not occupy more than 35 percent of the gross floor area of the dwelling.
 9. Persons employed by a permitted home occupation shall be limited to resident family members and no more than two nonresident employees.
 10. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- C. *Conditional Use Home Occupations.*
1. The planning commission may approve home occupations in residential districts, which do not meet the standards in Subsection B of this section, and as a conditional use. The standards in Sections 17.56.070 and 17.56.100 shall be applicable.
 2. The types and number of equipment or machinery used on the conditional use site may be restricted by the planning commission.
 3. Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.

(Prior Code, § 13-1-93; Code 1998, § 17.56.140; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.60. NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 17.60.010. Existing nonconforming uses and structures.

- A. The lawful nonconforming use of a structure or land, including, but not limited to, fences, parking and zoning setbacks existing at the time of the adoption, or amendment of this title may be continued although the use does not conform with the provisions of this title. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this title.

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- B. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this title; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
 - C. Substitution of new equipment may be permitted by the zoning board of appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(Prior Code, § 13-1-100; Code 1998, § 17.60.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.60.020. Abolishment or replacement.

- A. Discontinuance. If the nonconforming use of a building or premises is discontinued for 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- B. Extensive Repair Must Be in Conformance. At such time as structural repairs, reconstruction or alterations are made to nonconforming structures or premises, which repairs or alterations exceed 50 percent of the equalized assessed value of such structures or premises as established by the city assessor, such structures or premises will be required to conform to the use restrictions of this title.
- C. On repairs, reconstruction or alterations of less than 50 percent of the equalized assessed value of such structures or premises as established by the city assessor, the successive percentages shall accumulate and when 50 percent is reached, Subsection B of this section applies.

(Prior Code, § 13-1-101; Code 1998, § 17.60.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.60.030. 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. Once the zoning board of appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the zoning board of appeals.

(Prior Code, § 13-1-102; Code 1998, § 17.60.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.60.040. Substandard lots.

- A. In the R-1 single-family residential district, the R-2 duplex residential district, and the R-3 multifamily residential district, only a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the county register of deeds office before the effective date or amendment of the ordinance from which this title is derived.
- B. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lots are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this title. If in separate ownership, all district requirements shall be complied with insofar as practical, but shall not be less than the following:
- C. Dimensional Requirements.
 - 1. Maximum building height:
 - a. Principal building: 35 feet.

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- b. Accessory building: 15 feet.
 2. Minimum lot area: One-family dwelling: 4,000 square feet.
 3. Minimum lot width: 48 feet.
 4. Minimum living space: 800 square feet.
 5. front yard setback: minimum 20 feet. The second front yard on corner lots shall be not less than ten feet, but not less than adjoining properties.
 6. Rear yard setback:
 - a. Principal building: 25 feet.
 - b. Accessory building: three feet.
 7. Side yards:
 - a. Principal building: 7½ feet.
 8. Accessory building: three feet.
 9. Off-Street Parking:
 - a. Residential: one space per family and one space for each two boarders.

(Prior Code, § 13-1-103; Code 1998, § 17.60.040; Ord. No. 346, § 1(part), 1997)

Sec. 17.60.050. Manufactured home communities.

A manufactured home community licensed under Wis. Stats. § 101.935 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- A. Repair or replacement of homes.
- B. Repair or replacement of infrastructure.

State law reference(s)—Similar provisions, Wis. Stats. § 62.23(7)(ham).

Sec. 17.60.060. Repair and maintenance of certain nonconforming structures.

- A. In this subsection:
 1. *Development regulations* means the part of this chapter 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 this chapter enacted or amended, but that does not conform with one or more of the development regulations in this chapter.
- B. This chapter does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

State law reference(s)—Similar provisions, Wis. Stats. § 62.23(7)(hb).

Sec. 17.60.070. Restoration or replacement of certain nonconforming structures.

- A. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in this chapter do not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to Subsection B. of this section, 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. The size of a structure may 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.

State law reference(s)—Similar provisions, Wis. Stats. § 62.23(7)(hc).

CHAPTER 17.64. TRAFFIC VISIBILITY, PARKING AND ACCESS

Sec. 17.64.010. Traffic visibility triangle.

- A. *Visual Clearance at Intersections of Public Streets (Vision Triangle).*
1. In each quadrant of every street intersection there shall be designated a vision clearance triangle space, bounded on the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above the height of two feet above the street elevation and below a height of 12 feet above the street elevation, if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be excepted where they are unbranched to a height of ten feet and located a minimum of 20 feet apart. This does not apply in the C-1, central commercial district (downtown area).
 2. In situations where there are trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object, such as a motor vehicle, clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle space must be removed.
- B. *Exception.* In the case of arterial streets intersecting with other arterial streets, the corner cutoff distances establishing the triangular vision clearance space shall be increased from 35 feet to 50 feet.

(Prior Code, § 13-1-120; Code 1998, § 17.64.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.64.020. Parking requirements.

The off-street parking provisions of this title shall apply to all buildings and structures erected after the effective date of the ordinance from which this zoning code is derived, accessory parking shall be according to the provisions of this chapter; where an intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the zoning

official. Requests for such parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions, and driveway locations. In all districts, 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:

- A. *Access.* Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- B. *Design Standards.* Each parking space shall not be less than 180 square feet in area, 20 feet in length and nine feet in width, exclusive of aisles and access drives. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands. (See also Subsection L of this section.)
- C. *Location.*
 - 1. All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed 400 feet from the principal use.
 - 2. Off-street parking in the single-family and two-family residential districts is permitted in the front yard in the driveway.
 - 3. No parking stall or parking lot driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district, and no residential driveway shall be closer than three feet from any lot line except on cul-de-sacs.
- D. *Surfacing.* All off-street parking areas, except parking spaces accessory to a single-family or two-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds, normally, a two-inch blacktop on a four-inch base or five inches of Portland cement will meet this requirement. Any parking area for more than ten vehicles shall have the aisles and spaces clearly marked. All parking lots 3,000 square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer where available.
- E. *Landscaping.*
 - 1. *Screening of Parking Areas.* When a required off-street parking area for six cars or more is located within, adjoining or along a street line opposite a residential district or adjoining a public right-of-way in any district, there shall be a landscape barrier or fence of suitable material of not less than 3½ feet nor more than six feet in height along such lot lines.
 - 2. *Plans.* All plans for such proposed parking areas shall include a topographic survey or grading plans, which show the existing and proposed grades, and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - 3. *Repair and Service.* No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residential districts.
 - 4. *Lighting.* Any lighting used to illuminate off-street parking areas shall be shaded or diffused and be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line.

5. *Location.* Location of landscape areas, plant materials, and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the building inspector.
 6. *Street Setback Area.* No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- F. *Curbs.* Curbs or barriers shall be installed a minimum of three feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- G. *Number of Parking Spaces.* Number of parking spaces required are shown in the following table:

<i>Use</i>	<i>Minimum Parking Required (Besides Garages)</i>
Single-family dwellings, duplexes and mobile homes	Two spaces for each dwelling unit.
Multifamily dwellings (elderly housing exempted)	Minimum of two spaces for each dwelling unit.
Bed and breakfast establishments	One space for each bed and breakfast room.
Rest and nursing homes	One space for each five beds plus one space for each two employees.
Hotels, motels	One space for each guest room, plus one space for each two employees.
Hospitals, clubs, lodges, lodging and boarding houses	One space for each two beds, plus one space for each two employees.
Sanitariums, institutions, rest, and nursing homes	One space for each five beds, plus one space for each two employees.
Medical and dental clinics	Four spaces for each practitioner on the staff.
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One space for each five seats.
Colleges, secondary and elementary schools	One space for each employee, plus one space for each student automobile permitted.
Restaurants, bars, places entertainment, and clubs	One space for each 100 square feet of floor area.
Manufacturing and processing plants, laboratories and warehouses	Two spaces for each three employees, plus sufficient spaces to accommodate all trucks and other vehicles used in connection with the business.
Financial institutions; governmental and professional offices	One space for each 200 square feet of floor area, plus one space for each two employees.
Funeral homes	One space for each five seats.
Bowling centers	Five spaces for each lane.

Retail stores and repair service shops	One space for each 150 square feet of floor area.
Shopping centers	One space for each 100 square feet of floor area.

- H. *Uses Not Listed.* In the case of structures or uses not mentioned, the provision for a use, which is similar shall apply, as determined by the zoning official.
- I. *Computing Requirements.* In computing the number of spaces required, the following rules shall govern:
1. "Floor space" means the gross floor area of the specific use.
 2. For structures containing more than one use, the required number of spaces shall be computed by adding the space required for each use.
- J. *Combined Uses.* Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
1. The proposed joint parking space is to be within 400 feet of the use it will serve.
 2. The applicant shall show that there is no substantial conflict in principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 3. A properly drawn legal instrument approved by the common council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the city administrator. The instrument may be a three-party agreement, including the city and all private parties involved. Such instrument shall first be approved by the city attorney.
- K. *Reduction of Parking Areas.* Off-street parking spaces shall not be reduced in number unless the number exceeds the requirement set forth herein.
- L. *Handicapped Parking Requirements.* In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in Wis. Stats. §§ 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code sections adopted pursuant thereto are adopted by reference and made applicable to all parking facilities whenever constructed.
- M. *Changes in Buildings or Use.* Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, the building or use shall then comply with the parking requirements set forth in the district in which it is located.
- N. *Off-Lot Parking.* No unattached trailers or cabs (toppers) can be parked overnight on public street and parking lots.
- O. *Signs.* Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this title.

(Prior Code, § 13-1-122; Code 1998, § 17.64.020; Ord. No. 346, § 1(part), 1997; Ord. No. 479, 12-19-2017)

Sec. 17.64.030. Highway access.

Certain highway access requires a permit from the Department of Transportation (DOT). No driveway openings shall be permitted within 60 feet of an intersection of an arterial street right-of-way line.

(Prior Code, § 13-1-123; Code 1998, § 17.64.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.64.040. Off-street parking restrictions in residential areas.

- A. *Where Permitted.* Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
1. A rear yard;
 2. A side yard not adjoining a street;
 3. A front yard, but only on a paved or graveled driveway not exceeding 20 feet in width and for not more than three vehicles parked not nearer than five feet to a front property line or three feet to a side lot line.
- B. *Additional Permitted Areas.* Regardless of the provisions of Subsection A of this section, the common council may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the common council, is substantially improved thereby.
- C. *Vehicle Limitations.*
1. In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles and vans of patrons, occupants or employees, and not more than two trucks limited to one-ton capacity.
 2. Only two vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one-ton capacity.
 3. All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
 4. All motor vehicles parked on a residential lot shall display current license plates.

(Prior Code, § 13-1-124; Code 1998, § 17.64.040; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.68. SIGNS, CANOPIES, AWNINGS AND BILLBOARDS

Sec. 17.68.010. Intent and purpose.

- A. The purposes of this chapter include the following:
- (1) The purpose of this chapter is to establish minimum standards to safeguard life, health, property and public welfare, as well as enhance historic and aesthetic values by the regulation, administration and enforcement of outdoor sign advertising and display within the city. Such standards are meant to regulate and control the design, number, size, quality of materials, construction, locations, electrification, installation and maintenance of all signs as compatible with zoning regulations. This chapter recognizes the need to carefully balance the safety and welfare of the public with the need for

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- well maintained and attractive sign displays that provide adequate business identification, advertising and communication in order to protect and enhance the community.
- (2) This chapter further intends to protect and enhance the historical and cultural role of the city. Given the unique attributes of the city, including the Fox River and the downtown historic district, and the investment made in revitalizing the downtown district through participation in the Main Street Program, a significant degree of regulation over the aesthetic nature of signs in these district overlays is considered an important public interest. The downtown district philosophy combines historic preservation with development to establish a thriving and aesthetically pleasing business center that strengthens the economic vitality and values of the community.
 - (3) It is further the intent that only aesthetically pleasing and functionally purposeful signs are displayed in the city in a way that the signs shall encourage effective communication or information and orientation for both citizens and visitors, and promote visual harmony with respect for the environmental character of the community. To further enhance the importance of preserving the historical and architectural heritage of the city, short- and long-term goals should include eventual implementation for uniformity of future signs to encourage and promote an expanding, attractive commercial climate within the city.
 - (4) To carry out these general purposes, these regulations are intended to:
 1. Permit the effective use of signs as a means of commercial and non-commercial communication;
 2. Maintain and enhance the ability of the city to attract sources of economic development and growth;
 3. Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions caused by signs;
 4. Minimize the possible adverse effects of signs on nearby public and private property;
 5. Preserve property values within the city and allow signs appropriate to the character of each zoning district;
 6. Enable fair and consistent enforcement of these sign regulations.
- B. This chapter recognizes the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising and communication. Because of the unique historic qualities of the City of Omro which need to be protected and enhanced, a high degree of control over the aesthetic nature and placement of signs is deemed to be an important public purpose. It is recognized that while personal preference may be expressed in selecting the size, shape, colors, type style, placement, method of mounting and other components in the design of signs, the planning commission is responsible for ensuring that only aesthetically pleasing and functionally purposeful signs are displayed in the City of Omro. Therefore, although a proposed sign may meet the basic requirements of this chapter, the ultimate decision concerning its final appearance shall rest with the planning commission (subject to the appeal procedure set forth in Chapter 17.80 of the Omro Municipal Code).
- C. This chapter authorizes the use of signs visible from the public right-of-way, provided the signs are:
1. Compatible with the zoning district regulations;
 2. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
 3. Legible, readable, visible and well-designed for the circumstances in which they are used;
 4. Respectful of the reasonable rights of other advertisers;
 5. Not covering any major architectural detail, authorized art/public art or murals;

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6. A new sign shall not interfere with the view of an existing sign.
- D. This revision of the previous ordinance demonstrates the need for a uniform program of properly displayed and properly maintained good quality signage relevant to the city.
- E. It is unlawful for any person, firm or corporation to locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter any sign without first complying with the requirements of this chapter.

(Prior Code, § 13-1-140(a); Code 1998, § 17.68.010; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.015. Scope.

This chapter shall be binding upon the owner of any property upon which a sign is placed, upon any lessee of such property, and upon any person who constructs or maintains signs within the city. This chapter shall govern all signs currently in use and those hereinafter installed in the city.

(Code 1998, § 17.68.015)

Sec. 17.68.020. Definitions.

For purposes of this chapter, signs, sign structures and forms relating to signs, shall be classified and defined as follows:

1. *Abandoned sign* means a sign which no longer correctly advertises a bona fide business, lessor, owner, product, activity conducted or product available on the premises where the sign is displayed or elsewhere.
2. *Advertising vehicle* means signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
3. *Area of copy* means the entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement or decoration of a wall sign.
4. *Area of sign* means 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. Any irregular shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.
5. *Art/public art* means items expressing creative skill or imagination in a visual form, such as painting, graphic art, murals, and sculpture which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from public areas.
6. *Awning* means a roof-like covering consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.
7. *Awning sign* means a projecting identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.

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8. *Banner* means a non-illuminated elongated fabric sign usually used for temporary display for the special announcement of a common event. It is generally made of lightweight fabric or similar non-rigid material that is mounted with no enclosing framework.
 9. *Billboard* means a ground sign 200 square feet or larger in area which shall not be allowed in the city.
 10. *Building facade* means that portion of a building which is parallel or nearly parallel to the abutting roadway.
 11. *Building inspector* means an agent of the City of Omro authorized to permit, inspect, approve or deny construction within the city and the authorized government representative on sign issues.
 12. *Bulletin board* means a sign used by governmental and institutional agencies to publicly display notices of meetings, services, regulations and announcements. Such signs are not necessarily designed to be read from a distance or by the traveling public.
 13. *Canopy sign* means a projecting sign affixed to or forming a part of a permanent canopy and which does not extend horizontally beyond the limits or edge of such canopy.
 14. *Changeable copy sign* means any sign, which is characterized by manually changeable words, letters, numbers or symbols (not including continuous moving, electronic message signs, or moveable copy signs).
 15. *Downtown historic district* means an historic district so designated by the city council in accordance with the procedures provided in Section 15.20.050 of the Omro Municipal Code.
 16. *Downtown main street overlay district* means a district so designated and approved by the city council as part of participation in the State of Wisconsin Main Street Program.
 17. *Electronic message sign* means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means to provide information concerning civic, charitable, or the advertising of products or services for sale on the premises.
 18. *Flags or pennants* means devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires. Governmental entity flags shall be permitted at all times when displayed on poles or hung in a proper and dignified manner.
 19. *Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, not including moveable copy signs or electronic message signs.
 20. *Ground sign* means a freestanding sign affixed to or placed on the ground and independent of any building or other permanent structure.
 21. *Height of sign* means the vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as a part of the sign height. Note: The height of the sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public/private street, normal grade shall be construed as the grade of the adjacent public/private street.
 22. *Home occupation sign* means a sign associated with a home occupation as defined in the zoning code.
 23. *Marquee* means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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24. *Marquee sign* means any sign attached to, in any manner, or made a part of a marquee.
 25. *Moveable copy sign* means any sign characterized by continuous moving, pulsating, intermittent or flashing electronically produced words, phrases, numbers or pictures.
 26. *Off-premises direction/sales sign* means a sign or signs, which are intended to advertise or direct to, places of business or services not located on the same parcel of land ownership as the off-premise sign.
 27. *Omro Historic District*. The Omro Historic District is described as 251 E. Main Street (parcel 265-025601), 115 E. Main Street westward to 331 W. Main Street (parcel 265-0275, 265-0276, 265-0278, 265-0456, 265-0458, 265-0457, 265-0460, 265-0461, 265-0462, 265-046001, 265-0463, 265-046401, 265-0464, 265-0465, 265-0466, 265-0467, 265-046701, 265-0468, 265-0469, 265-0471, 265-047002), 120 W. Main Street to 160 E. Main Street (265-0498, 265-0500, 265-050101, 265-0501, 265-0316, 265-0315, 265-0314, 265-0311, 265-0310, 265-0309, 265-0308, 265-0307, 265-0306, 265-0305)
 28. *Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs, umbrella used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operation of the business.
 29. *Projecting sign* means a sign not attached (principally) to the ground and projecting more than 12 inches from the face of a building or other structure to which it is attached.
 30. *Real estate for sale sign* means a sign, placed by a licensed realtor or owner, offering a business, land or building for sale or lease.
 31. *Roof sign* means an outdoor sign painted, mounted or erected on the roof or extending above the roofline of a building. The term "roofline" means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. The term "parapet or parapet wall" means that portion of a building wall that rises above the roofline. These signs are not permitted in the city.
 32. *Sandwich (and any other readily moveable, freestanding sign)* means a sign, not permanently attached to the ground or a building, which generally are temporary in nature and placed near the roadway. Such signs are allowed in the city on approval by the building inspector.
 33. *Scrolling* means a mode of transition on an electronic message sign in which the message appears to move vertically across the display surface.
 34. *Sign* means any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and directs attention to a product, service, place, activity, person, institution, business or solicitation including any permanently installed or situated merchandise or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information.
 35. *Sign area* means that part of a total sign structure which encompasses the sign message, exclusive of the structure upon which the area is fixed, or which supports the sign area. For the purpose of computing the square foot area of a ground sign, any exposed structures which support a sign may not comprise more than one-third of the visible or exposed surface of one side of a total sign structure.
 36. *Signable area* means the area of facade of the building facing or abutting upon a street right-of-way up to the ceiling line of the first floor, which is free of windows and doors or major architectural detail on which signs may be displayed.
 37. *Temporary for sale sign* means a sign, normally constructed of cardboard, paper or thin plastic, used to advertise garage sales, porch sales, bingo parties, auctions and the like.

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38. *Time and temperature sign* means a sign which consists of an electronic or mechanical indication of time or temperature.
39. *Total sign structure* includes the sign area plus any exposed area or members of the supporting structure on or to which the sign (sign message) is affixed. Decorative, landscaped earthen berms or structures which are composed principally of exposed earth and/or landscape (plant) materials shall not be included as a part of a total sign structure but shall meet sign setback requirements.
40. *Wall sign* means a sign which is attached to a wall of a building or structure and projects not more than 12 inches from such wall. Such a sign shall not extend above the ceiling line of the first floor of a building or structure.
41. *Window sign* means a sign affixed to or placed on the inside of a window and is visible from the exterior of the window.
42. *Zoning districts* means as follows:
- a. *Residence districts.*
 - i. R-1, single-family residence district.
 - ii. R-2, single- and two-family residence district.
 - iii. R-3, multifamily residence district.
 - b. *Business districts.*
 - i. C-1, central commercial district.
 - ii. C-2, highway commercial district.
 - iii. Downtown historic district.
 - iv. Downtown Main Street overlay district.
 - c. *Industrial districts.*
 - i. I-1, light industrial.
 - ii. IP-I, Industrial Park light industrial.

(Prior Code, § 13-1-151; Code 1998, § 17.68.020; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005; Ord. No. 482, 8-21-2019)

Sec. 17.68.030. Prohibited signs.

The following types of signs shall be prohibited within the city:

- A. Billboard signs.
- B. Abandoned signs.
- C. Roof and roof-top signs.
- D. Flashing, blinking, or animated signs, excluding permitted electronic message signs in C-1 and C-2 zoning districts, and excluding signs obtained by conditional use permit in residential zones for churches and schools.
- E. Moving, swinging or rotating signs. Signs containing moving parts and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. Signs with physically moving

components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven revolutions per minute.

- F. Advertising vehicle signs.
- G. Signs that are attached affixed or supported by a tree, stone, cliff, or other natural object/living vegetation.
- H. Portable signs, except those permitted in the C-1 central commercial district and C-2 highway commercial district.
- I. Signs in the public right-of-way, except signs erected by a governmental agency, a franchise public utility company, or a contractor doing authorized or permitted work within the public right-of-way and banners for nonprofit organizations which are approved by the public works director or designee thereof, or projecting signs as provided for in Section 17.68.070B.2., C.2., and D.2.
- J. Signs, art/public art, or other advertising painted directly on walls unless specifically approved by the planning commission.
- K. Inflatable signs except temporary inflatable figures used in a parade, festival, civic event or holiday display, and novelty balloons less than two feet in diameter which are tethered or moored not to exceed 20 feet.

(Prior Code, § 13-1-140(b); Code 1998, § 17.68.030(A)—(I), (K), (L); Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005; Ord. No. 482, 8-21-2019)

Sec. 17.68.040. Buildings in joint occupancy or multiple use.

When a building is occupied by a single occupant, who engages in more than one activity within the building, or the building contains two or more activities engaged in by separate occupants, only one projecting graphic will be allowed per building and must be assigned by the building owner or agent. The signable area for a wall sign may be divided among the building's occupants by the building owner or agent. All other graphic regulations for an individual zoning district, as set forth in this title, shall apply in all cases of joint or multiple building use or occupancy.

(Prior Code, § 13-1-140(c); Code 1998, § 17.68.040; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.050. Federal aid; primary highways.

Signs facing onto federal aid—primary highways shall meet all requirements and regulations set forth in the Wisconsin State Statutes and locations of signs set forth herein.

(Prior Code, § 13-1-140(d); Code 1998, § 17.68.050; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.060. Signs permitted in an individual zoning district.

Certain signs are permitted as accessory uses in an individual zoning district without a permit as set forth in the individual zoning district regulations. In addition, the following signs may also be allowed without a permit:

- A. *Memorial Signs, Tablets, Name of Building and Date of Erection Signs.* These signs are allowed when cut into any masonry surface or when constructed of cast metal and affixed flat against a structure and not illuminated.

B. *Official Signs.*

1. Any official signs such as traffic control, parking restrictions, information and notices are permitted;
2. On-site private traffic and parking control signs not exceeding three square feet each in area and not exceeding ten cumulative square feet in area per property are allowed.

C. *Temporary Signs.* Temporary signs may be allowed when authorized by the building inspector. For purposes of this provision, a "temporary sign" is one which will be used for no more than 30 days in any six-month period and which does not exceed 32 square feet in signable area.

D. *Masonry Nameplates.* Metal or masonry nameplates attached to a building and not exceeding four square feet in sign area are allowed.

E. *Election Campaign Signs.* Election campaign signs may be allowed in an individual zoning district without a permit, provided that:

1. Permission has been obtained from the property owner, agent, renter or lessee;
2. Such signs shall not be erected more than 45 days prior to an election and shall be removed within two calendar days following the election;
3. Such signs in an agricultural district (A-1), single-family residential district (R-1), duplex (R-2), multifamily residential district (R-3), mobile home (R-4) and planned unit development (R-5) shall not exceed four square feet in sign area per sign nor more than a total of 20 square feet of sign area per individual property (ownership);
4. Such signs in a central commercial district (C-1), highway commercial district (C-2) and light industrial district (I-1) shall not exceed four square feet in sign area per sign nor more than 32 square feet in sign area per individual property (ownership);
5. No such sign will be permitted in the park and recreational district (P-1);
6. The signs are located entirely on private property and not within the rights-of-way of public streets, roads, driveways, highways, or alleys, or on any other public lands;
7. Such signs may not be illuminated in any manner. Signs cannot contain flashing lights or moving parts or in any other way fail to conform with Wis. Stats. § 84.30(4)(b);
8. No such sign shall be placed within 100 feet of an entrance to a building containing a polling place. This includes an automobile with a bumper sticker or a cartop carrier with a campaign message on election day. An exception will be made for the period of time the occupant of the car is inside voting. Private property, which does not contain a polling place, even though it may lie within 100 feet of an entrance to a polling place, is not affected by this prohibition;
9. State law requires that all political advertising signs used in a campaign must carry disclaimer information identifying its source. The disclaimer must state which campaign committee or individual candidate is actually paying or assuming responsibility for the sign. The disclaimer must be readable and legible. For example: "Paid for and authorized by John Doe for City Council;"
10. Election campaign signs may not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

F. *Window Signs.* Window signs may be permitted provided that:

1. They are placed on the inside of glass door or windows;
2. They shall not exceed, in area, 40 percent, or 12 square feet, of the glass area of the window or door upon which the sign is displayed.

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- G. *Real Estate for Sale Signs.* Real estate for sale signs may be permitted in an individual zoning district for a maximum of 12 months, provided the sign is well maintained, under the following conditions:
1. In the agricultural district (A-1), single-family residential district (R-1), duplex (R-2), multifamily residential district (R-3), mobile home (R-4), central commercial district (C-1) and planned unit development (R-5), these signs shall:
 - a. Not exceed 16 square feet in sign area;
 - b. Have no more than two signs per property (ownership);
 - c. Be located entirely on private property and not on any public lands nor within the right-of-way of any public streets, roads, highways or alleys;
 - d. Not be illuminated in any manner;
 - e. Be removed within ten calendar days of the date of closure of the real estate transaction.
 2. In the highway commercial district (C-2) and light industrial district (I-1), these signs shall:
 - a. Not exceed 32 square feet in sign area;
 - b. Have no more than two signs per property (ownership);
 - c. Be located entirely on private property and not on any public land nor within the right-of-way of public streets, roads, highways or alleys;
 - d. Not be illuminated in any manner;
 - e. Be removed within ten calendar days of the date of closure of the real estate transaction.
- H. *Banners.* Banners may be permitted in the central commercial district (C-1), highway commercial district (C-2) and light industrial district (I-1) under the following conditions:
1. When these banners are displayed across or over any public street, road, highway or other public travel way, all Wisconsin State Statutes and federal regulations must be complied with;
 2. If the banners are fastened in any manner to any privately owned building or other structure, the permission of the owner of that building or structure must be obtained prior to the installation of the banner;
 3. Each individual banner may be displayed for a period not to exceed 21 calendar days in a six-month period. Each banner shall be marked with the date it was erected in such a manner that the date is visible from within ten feet;
 4. Banners advertising alcoholic beverages or tobacco products shall not be displayed on any city-owned park property.
- I. *Temporary for Sale Signs.* Temporary for sale signs may be permitted provided that:
1. These signs are not displayed on public lands, structures or rights-of-way of public streets, roads, highways or alleys;
 2. They are not erected more than five calendar days prior to the start of the activity;
 3. They are removed the day after the activity has ended;
 4. The total display period shall not exceed ten calendar days, or a permanent sign permit shall be applied for;
 5. These signs are not illuminated in any manner;
 6. When located on private property, permission has been obtained from the property owner.

(Prior Code, § 13-1-141; Code 1998, § 17.68.060; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.070. Signs permitted in specific districts.

- A. *Signs Permitted in the Single-Family Residential District (R-1), Duplex (R-2), Agricultural District (A-1), Multifamily Residential District (R-3), Mobile home (R-4) and Planned Unit Development (R-5) with a Permit.* The following signs are permitted in the above-mentioned districts upon the granting of a permit and subject to the following conditions:
1. *Home Occupation Signs.* Home occupation signs shall conform to the following conditions:
 - a. They shall not exceed four square feet in sign area.
 - b. All home occupation signs shall be located on private property and shall not be located within the right-of-way of any public street, road, highway or alley.
 - c. These signs shall not be located within the vision triangle, as defined in this zoning code.
 2. *Subdivision or Residential Complex Signs.* Permanent subdivision or residential complex identification signs shall be:
 - a. Constructed of wood, metal or masonry;
 - b. Of a design which will be compatible with the landscape;
 - c. State only the name of the subdivision or residential complex;
 - d. Such signs, their location and size shall be reviewed and approved by the planning commission prior to the issuance of a permit.
 3. *Temporary Subdivision Sale Signs.* Temporary subdivision sale signs shall be:
 - a. No more than 32 square feet;
 - b. No more than two per subdivision;
 - c. May be erected for no more than 24 months.
- B. *Signs Permitted in the Central Commercial District (C-1) with a Permit.* The following signs are permitted in the above district upon granting of a permit and subject to the following restrictions:
1. *Wall Signs.* Wall signs placed on or against the exterior wall(s) of a building shall:
 - a. Not extend more than one foot outside of the building's wall surface;
 - b. Not exceed, in sign area, the equivalent of two square feet for each linear foot of building (store) frontage facing an access street for any one premises;
 - c. Not extend above the second floor window sills of the building upon, which they are located;
 - d. Not cover windows, doorways or architectural detail, authorized art/public art or murals.
 2. *Projecting Signs.* Projecting signs fastened to, suspended from or supported by structures on business buildings shall:
 - a. Not exceed 16 square feet in total area;
 - b. Not extend into or above any public lands, streets, roads, highways or alleys;
 - c. Not exceed a height of 25 feet above the adjacent centerline street grade;

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- d. Not be less than ten feet above a sidewalk or 15 feet above a driveway.
3. *Ground Signs.* Ground signs as defined herein shall:
- a. Not exceed 25 feet in height above the mean centerline grade of the nearest street;
 - b. Not exceed, in sign area, 32 square feet at the street property line. Signs outside the historic district described in subsection (B)(8) may be increased by one square foot for each lineal foot of building façade up to 100 square feet. Corner lots may use the longest building façade side.
 - c. Allow only one ground sign be constructed on a property less than one acre in size;
 - d. Not exceed one sign for each street frontage of a single (individual) property larger than one acre in size;
 - e. Be located entirely on private property and not within the right-of-way of any public street, road, highway or alley;
 - f. Not to exceed two directional/sales signs in number per business.
4. *Off-Premise Signs.* Off-premise directional/sales signs as defined herein shall:
- a. Meet the requirements of the type of sign as set forth in this chapter;
 - b. Not exceed two directional/sales signs in number per business;
 - c. Indicate the business name, direction and distance to the specific business, as well as the principal merchandise sold;
 - d. Not exceed, in total area, 25 square feet, but may be increased in size by one square foot for each one foot the sign is set back from the street property line;
 - e. Be placed no closer than 150 feet from another off-premise or ground sign.
5. *Flags and Pennants.* Flags and pennants as defined herein may be used for advertising purposes on a temporary basis but the use of such advertising devices by an individual business operation shall be limited to no more than six occasions within a calendar year with a maximum period of ten days constituting an occasion and with each occasion being separated by a minimum of 20 days, during which time the flags or pennants shall be removed.
6. *Awnings.* Awnings may not extend over road right-of-way.
7. Portable signs will be permitted one per business during business hours.
8. *Electronic Message and Moveable Copy Signs.* Such signs are restricted to the following:
- a. Allowed only on parcels or property whose buildings, structures, or location are non-contributing within the designated Omro Historic District as described in section 17.68.020.
 - b. Must be part of a ground sign.
 - c. Size is limited to 30 percent of total sign area.
 - d. Must be placed perpendicular to Main Street, or the main roadway of direct access to the property if the property is not located on Main Street.
 - e. Not be part of an off-premise sign.
 - f. Limited to six changes of message per minute of picture or text.
 - g. No strobe lights that resemble lighting of emergency vehicles.

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- C. *Signs Permitted in the Highway Commercial District (C-2) with a Permit.* The following signs are permitted in the above district upon granting of a permit and subject to the following restrictions:
1. *Wall Signs.* Wall signs placed on or against the exterior wall of a building shall:
 - a. Not extend more than one foot outside of the building's wall surface;
 - b. Not exceed, in sign area, the equivalent of two square feet for each linear foot of building (store) frontage facing an access street for any one premises;
 - c. Not extend above the second floor window sills of the building upon which they are located;
 - d. Not cover windows, doorways or architectural detail.
 2. *Projecting Signs.* Projecting signs fastened to, suspended from or supported by structures on business buildings shall:
 - a. Not exceed 32 square feet in sign area or a square footage sign area that is equal to the distance in feet from the property line to the building on which the projecting sign is to be mounted, whichever is larger, for any one premises;
 - b. Not extend into or above any public lands, streets, roads, highways or alleys;
 - c. Not be less than eight feet from all side lot lines, or beyond the building wall, whichever is less;
 - d. Not exceed a height of 25 feet above the adjacent centerline street grade;
 - e. Not be less than ten feet above a sidewalk or 15 feet above a driveway.
 3. *Ground Signs.* Ground signs as defined herein shall:
 - a. Not exceed 35 feet in height above the mean centerline grade of the nearest street;
 - b. Not exceed, in sign area, 32 square feet at the street property line, but may be increased one square foot for each lineal foot of building façade up to 100 square feet (corner lots may use the longest building façade side) and additionally may be increased two square feet for each one foot the sign is set back from the street property line to a maximum of 125 square feet on one side;
 - c. Allow only one ground sign be constructed on a property less than one acre in size;
 - d. Not exceed one sign for each street frontage of a single (individual) property larger than one acre in size;
 - e. Be located entirely on private property and not within the right-of-way of any public street, road, highway or alley;
 - f. Not to exceed two directional/sales signs in number per business.
 4. *Off-Premises Signs.* Off-premises directional/sales signs as defined herein shall:
 - a. Meet the requirements of the type of sign as set forth in this chapter;
 - b. Not exceed two directional/sales signs in number per business;
 - c. Indicate the business name, direction and distance to the specific business, as well as the principal merchandise sold;
 - d. Not exceed, in total area, 25 square feet, but may be increased in size by one square foot for each one foot the sign is set back from the street property line;
 - e. Be placed no closer than 150 feet from another off-premises or ground sign.

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5. *Flags and Pennants.* Flags and pennants as defined herein may be used for advertising purposes on a temporary basis but the use of such advertising devices by an individual business operation shall be limited to no more than six occasions within a calendar year with a maximum period of ten days constituting an occasion and with each occasion being separated by a minimum of 20 days, during which time the flags or pennants shall be removed.
 6. *Awnings.* Awnings may not extend over road rights-of-way.
 7. *Portable Signs.* Portable signs will be permitted one per business during business hours.
 8. *Electronic Message and Moveable Copy Signs.* Such signs are restricted to the following:
 - a. Must be part of a ground sign.
 - b. Size is limited to 30 percent of total sign area.
 - c. Must be placed perpendicular to Main Street, or the main roadway of direct access to the property if the property is not located on Main Street.
 - d. Not be part of an off-premise sign.
 - d. Limited to six changes of message per minute of picture or text.
 - f. No strobe lights that resemble lighting of emergency vehicles.
- D. *Signs Permitted in the Light Industrial District (I-1) and Industrial Park District (IP-1) with a Permit.* The following signs are permitted in the above district upon granting of a permit and subject to the following restrictions:
1. *Wall Signs.* Wall signs placed on or against the exterior wall of a building shall:
 - a. Not extend more than one foot outside of the building's wall surface;
 - b. Not exceed, in sign area, the equivalent of two square feet for each linear foot of building (store) frontage facing an access street for any one premises;
 - c. Not extend above the second floor window sills of the building upon which they are located;
 - d. Not cover windows, doorways or architectural detail.
 2. *Projecting Signs.* Projecting signs fastened to, suspended from or supported by structures on business buildings shall:
 - a. Not exceed 32 square feet in sign area or a square footage sign area that is equal to the distance in feet from the property line to the building on which the projecting sign is to be mounted, whichever is larger, for any one premises;
 - b. Not extend into or above any public lands, streets, roads, highways or alleys;
 - c. Not be less than eight feet from all side lot lines, or beyond the building wall, whichever is less;
 - d. Not exceed a height of 25 feet above the adjacent centerline street grade;
 - e. Not be less than ten feet above a sidewalk or 15 feet above a driveway.
 3. *Ground Signs.* Ground signs as defined herein shall:
 - a. Not exceed 25 feet in height above the mean centerline grade of the nearest street;
 - b. Not exceed, in sign area, 32 square feet at the street property line, but may be increased one square foot for each lineal foot of building façade up to 100 square feet (corner lots may use the longest building façade side) and additionally may be increased two square feet for each one foot the sign is set back from the street property line to a maximum of 125 square feet on one side;

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- c. Allow only one ground sign be constructed on a property less than one acre in size;
 - d. Not exceed one sign for each street frontage of a single (individual) property larger than one acre in size;
 - e. Be located entirely on private property and not within the right-of-way of any public street, road, highway or alley;
 - f. Not to exceed two directional/sales signs in number per business.
4. *Off-Premises Signs.* Off-premises directional/sales signs as defined herein shall:
- a. Meet the requirements of the type of sign as set forth in this chapter;
 - b. Not exceed two directional/sales signs in number per business;
 - c. Indicate the business name, direction and distance to the specific business, as well as the principal merchandise sold;
 - d. Not exceed, in total area, 25 square feet, but may be increased in size by one square foot for each one foot the sign is set back from the street property line;
 - e. Be placed no closer than 150 feet from another off-premises or ground sign.
5. *Flags and Pennants.* Flags and pennants as defined herein may be used for advertising purposes on a temporary basis but the use of such advertising devices by an individual business operation shall be limited to no more than six occasions within a calendar year with a maximum period of ten days constituting an occasion and with each occasion being separated by a minimum of 20 days, during which time the flags or pennants shall be removed.
6. *Awnings.* Awnings may not extend over road rights-of-way.

(Prior Code, §§ 13-1-142 and 13-1-143; Code 1998, § 17.68.070; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005; Ord. No. 477, 1-13-2017; Ord. No. 482, 8-21-2019)

Sec. 17.68.080. Facing of signs.

No illuminated signs, except those permitted in the single-family residential district (R-1), duplex (R-2), and multifamily residential districts (R-3) and mobile home (R-4) shall be permitted to face a residential zoning district when within 100 feet of such district boundary and no sign-related illuminating device shall be directed toward residential parcels in a predominantly residential district.

(Prior Code, § 13-1-144; Code 1998, § 17.68.080; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.090. Lighting, design, color and wording of signs.

Lighting, design, color and wording of signs shall meet the following requirements:

- A. Signs shall not be erected, relocated or maintained so as to prevent the free ingress or egress from any door, window or fire escape.
- B. No sign shall be attached to a standpipe or fire escape.
- C. Signs shall be placed so as to not obstruct or interfere with traffic visibility.
- D. No sign shall be erected in the visibility triangle as defined in this zoning code.

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- E. Signs shall not be lighted in any way, which causes glare or impairs visibility upon public ways.
 - F. Decorative or wall art shall only be allowed after public hearing and affirmative action by the planning commission.
 - G. Words, numbers and phrases on signs should be kept to a minimum and all sign lettering on the exterior of the buildings in the central commercial district (C-1), the highway commercial district (C-2) and the light industrial district (I-1) shall be no smaller than six inches in height.
 - H. Words, numbers, logos or pictures shall not be added to an existing sign without the written permission of the building inspector.
 - I. Business signs shall dedicate no less than 75 percent of each space to the business name and/or business logo.

(Prior Code, § 13-1-145; Code 1998, § 17.68.090(C)—(K); Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.100. Legal nonconforming signs.

Any legal nonconforming sign shall meet the following regulations:

- A. *Notice of Nonconformance.* After the enactment of this sign code, the facade/sign committee shall survey the city to inventory all signs to review construction and theme of all signs. Upon determination that a sign is nonconforming, the building inspector shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the nonconforming sign is located of the following:
 - 1. The fact that the sign is nonconforming;
 - 2. Whether the sign is eligible for characterization as a legal nonconforming sign or is an unlawful sign;
 - 3. That an additional sign permit will not be issued to any property owner or premises on which exists a legal nonconforming sign until such time as the property owner or premises has removed or altered all nonconforming signage and is deemed by the building inspector to be in complete compliance with the regulations of this chapter.
- B. *Signs Eligible for Legal Nonconforming Status.* Any sign located within the city limits as of the date of adoption of this sign code, or located in an area annexed to the city hereafter, which does not conform with the provisions of this sign code is eligible for characterization as a legal nonconforming sign and is permitted provided it also meets the following requirements:
 - 1. The sign is covered by a proper sign permit prior to the date of adoption of this sign code;
 - 2. If no permit was required under applicable laws for the sign in question and the sign was in all respects in compliance with the applicable laws on the date of adoption of this sign code;
 - 3. That an additional sign permit will not be issued to any property owner or premises on which exists a legal nonconforming sign until such time as the property owner or premises has removed or altered all nonconforming signage and is deemed by the building inspector to be in complete compliance with this chapter.
- C. *Loss of Legal Nonconforming Status.* A sign loses its legal nonconforming status if one or more of the following occurs:

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1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this sign code than it was before the alteration;
 2. The sign is relocated;
 3. The sign fails to conform to the provisions of this chapter regarding maintenance and repair, abandonment or dangerous, or defective signs;
 4. On the date of occurrence of any of the above, either the sign shall be immediately brought into compliance with the regulations of this title and have a new sign permit secured, or the sign shall be removed;
 5. If there is damage to the sign for any reason to an extent of 50 percent of the total signage area, any replacement or repairs will need to bring the sign into full compliance with the regulations of this chapter.

- D. *Applicability of Safety and Maintenance Rules.* Nothing in this title shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this title regarding safety, maintenance and repair of signs.

(Prior Code, § 13-1-146; Code 1998, § 17.68.100; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.110. Removal and disposition of signs.

A. *Maintenance and Repair.*

1. Every sign, including, but not limited to, those 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 weathered or natural surface is intended), cleaning and other acts required for the maintenance of the sign.
2. The building inspector shall require compliance with all standards of this title. If the sign is not modified to comply with the safety standards outlined in this title, the building inspector shall require its removal in accordance with this title.

- B. *Abandoned Signs.* All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business or service it advertises is no longer conducted or, for an off-premises sign, when the lease payment or rental income are no longer provided. If the owner or lessee fails to remove the sign, the building inspector shall give the owner 30 days' written notice to remove the sign. Upon failure to comply with this notice, the city may cause the removal to be executed, the expense of which shall be assessed to the tax roll of the property on which the abandoned sign is located.

- C. *Deteriorated or Dilapidated Signs.* The building inspector shall cause to be removed any deteriorated or dilapidated sign under the provisions of Wis. Stats. § 66.0413.

(Prior Code, § 13-1-147; Code 1998, § 17.68.110; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.120. Sign construction standards.

- A. *Protection of the Public.* The temporary occupancy of a sidewalk or street or other public property during the construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped and fenced off or otherwise isolated to prevent a hazard to pedestrians and property.

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- B. *Wind Pressure and Dead Load Requirements.* All signs and other advertising structures shall be designed, constructed and fastened to withstand the actual dead load, live load and wind loads acting upon it without exceeding the allowable stresses of the material.
 - C. *Structural Design and Installation of signs.* Structural design and installation of signs shall be done by experienced personnel and the property owner is responsible for the quality and safety, and shall ensure that the proper liability insurance is obtained.
 - D. *Projecting Signs; Where Allowed.* Projecting signs are allowable if they meet the sign construction standards.
- (Prior Code, § 13-1-148; Code 1998, § 17.68.120; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.130. Permits; fees; appeals and indemnification.

- A. *Permit Required.* Prior to erection of a sign, it shall be the responsibility of the property owner, or his/her designee, or contractor, to secure a sign permit, when required by this sign code. 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.
- B. *Application and Sign Erection Permit Fee.* Application for a sign permit shall be accompanied by a fee as listed on the fee schedule in the clerk's office. The fee shall be tripled on signs erected without a permit.
- C. *Liability.* Acceptance of fees as proved herein shall not be deemed as assumption of liability by the city.
- D. *Application Procedure.* Application for permit shall be filed with the building inspector together with a permit fee for each sign according to the fee schedule.
- E. *Signs Erected Without Permit.* Signs installed without a permit are subject to the following provisions: Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this chapter shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the building inspector. If the violation is a failure to obtain a sign permit, a permit fee shall be required and the permit fee shall be triple the normal fee. In the event that the owner does not remove or bring the sign into compliance, the building inspector may order removal, the expense of which will be assessed to the tax roll of the property on which the noncomplying sign is located.
- F. *Permit Issuance and Denial.* The building inspector shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign within the city 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. If the permit is denied by the building inspector, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for denial along with return of all permit fees and papers.
- G. *Sign Permit Appeal.*
 - 1. In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from the requirements may be applied for to the zoning board of appeals. An application for a variance must be made within ten calendar days after receipt of a notice that the sign involved does not conform with this chapter. In the event that the appeal is not made in writing to the zoning board of appeals within such ten-calendar-day period, a variance may not be granted. The zoning board of appeals is to take action on any variance request within 60 calendar days of receipt of the variance application. The city shall comply with and enforce the zoning board of appeals' decision.

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2. The failure to either formally grant or deny a sign permit within 30 calendar days of the date of application meeting the requirements of this sign code is filed, shall be cause for appeal to the zoning board of appeals.

H. *Indemnification for the Sign Installation and Maintenance.* All persons engaged in the business of installing or maintaining signs which involves in whole or part the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the city, its officers, agents, and employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of the sign or any other sign work insofar as this sign code has not specifically directed the placement of the sign.

(Prior Code, § 13-1-149; Code 1998, § 17.68.130; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

Sec. 17.68.140. Administration.

- A. *Application.* Applications for permits shall be filed with the building inspector who shall review the application for its completeness and accuracy and approve or deny the application within 30 days of receipt unless the time is extended by written agreement with the applicant.
- B. *Termination.* A sign permit shall become null and void, if the work authorized has not been completed within one year from the date of issuance.
- C. *Forms.* Applications for sign permits shall be made on forms provided by the building inspector and shall contain or have attached thereto at least the following information:
 1. The name, address and telephone number of the applicant, along with the location of the building, structure or property to which or upon which the sign is to be attached or erected;
 2. The name of the person, firm, corporation or association erecting the sign;
 3. A copy of the written consent of the owner or lessee of the building, structure or land to which or upon which sign is to be affixed or erected;
 4. A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment;
 5. A scale site drawing indicating the location and position of such sign in relationship to any nearby buildings or structures, property boundaries and other signs;
 6. Information or message (or type of information or message) to be displayed on the face of the sign;
 7. Any additional information, such as photographs, which may be required by the building inspector;
 8. Payment of fee as set forth in the fee schedule that is filed in the office of the city clerk.

(Prior Code, § 13-1-150; Code 1998, § 17.68.140; Ord. No. 346, § 1(part), 1997; Ord. No. 388, § 1(part), 2003; Ord. No. 403(part), 2005)

CHAPTER 17.70. WIRELESS COMMUNICATIONS FACILITIES

Sec. 17.70.010. Statement of intent.

The purpose of this chapter is to establish general guidelines for the siting of towers and antennas. The intent of this chapter is to:

- A. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the city;
- B. Encourage collocation of new and existing tower sites;
- C. Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal;
- D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

(Code 1998, § 17.70.010; Ord. No. 389(part), 2004)

Sec. 17.70.020. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- 1. *Alternative tower structure* means manmade structures such as clock towers, water towers, building, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- 2. *Antenna* means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including, but not limited to, directional antennas, such as panel, microwave and satellite dishes, and Omni-directional antennas, such as whip antennas.
- 3. *Collocation* means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- 4. *FAA* means the Federal Aviation Administration.
- 5. *FCC* means the Federal Communications Commission.
- 6. *Governing authority* means the governing authority of the city.
- 7. *Height means*, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if such highest point is an antenna.
- 8. *Personal communications service (PCS)* means a provider of personal wireless service facilities as now defined in the Telecommunications Act of 1996, 47 USC 332, and as the same may be amended, from time to time.
- 9. *Personal wireless facilities* means transmitters, antenna structures and other types of installations used to provide personal wireless service.
- 10. *Preexisting towers and antennas* shall have the meaning set forth in Section 17.70.030C.
- 11. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The

term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

12. *Tower site* means the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with such tower.

(Code 1998, § 17.70.020; Ord. No. 389(part), 2004)

Sec. 17.70.030. Applicability.

No permit is required for the following uses:

- A. *Public Property.* Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this chapter, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- B. *Amateur Radio and Receive Only Antennas.* This chapter shall not apply to towers or the installation of any antenna in Subsections 1 and 2 of this section, if:
 - 1. They are owned and operated by federally-licensed amateur radio stations; and
 - a. Are less than 60 feet in height;
 - b. Are less than 20 feet in height if mounted on a building or other structure.
 - 2. They are receive only antennas; and
 - a. Are less than 60 feet in height;
 - b. Are less than 20 feet in height if mounted on a building or other structure.
- C. *Pre-existing Towers and Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this chapter is derived shall not be required to meet the requirements of this chapter, other than the requirements of Section 17.70.040C. Any such towers or antennas shall be referred to in this chapter as "pre-existing towers" or "pre-existing antennas."

(Code 1998, § 17.70.030; Ord. No. 389(part), 2004)

Sec. 17.70.040. General provisions.

- A. *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. *Aesthetics; Lighting.*
 - 1. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness and blend in to the natural setting and built environment.

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2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- C. *Federal Requirements.* All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.
- (Code 1998, § 17.70.040; Ord. No. 389(part), 2004)

Sec. 17.70.050. Conditional uses.

Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in zoning districts other than the residential zones, shall require a conditional use permit. Only towers and antennas which are owned and operated by federally-licensed amateur radio station operators, and towers and antennas that are for receive only antennas to which this chapter applies shall be allowed as conditional use in residentially zoned areas. No other types of towers shall be allowed in residentially zoned areas, except as set forth in Section 17.70.030B.

(Code 1998, § 17.70.060; Ord. No. 389(part), 2004)

Sec. 17.70.060. Requirements.

Applications for conditional use permits shall adhere to the following in addition to all requirements pertaining to conditional uses:

- A. *Certified Engineer.* Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- B. *Information Required.* Each applicant requesting a permit under this chapter shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this chapter.
- C. *Factors Considered in Granting Permits.* The governing authority shall consider the following factors in determining whether to issue a permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the intent of this chapter are better served thereby:
 1. Height of the propose tower;
 2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;

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4. Surrounding topography;
 5. Surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress; and
 8. Availability of suitable existing towers and other structures as discussed in Subsection D of this section.
- D. *Availability of Suitable Existing Towers or Other Structures.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. *Accommodation of Other Users (Collocation).*
1. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate collocation of both the applicant's antenna and comparable antenna for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
 2. The holder of a permit for a tower shall allow collocation for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If an additional user demonstrates (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- F. *Setbacks and Separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this chapter would be better served thereby:
1. Towers shall be set back a distance equal to the height of the tower from any residential structure.

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2. Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.
 3. Districts other than industrial and agricultural towers over 90 feet in height shall not be located within one-quarter of a mile from any existing tower that is over 90 feet in height.
- G. *Security Fencing.* Towers sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
- H. *Landscaping.* The following requirements shall govern the landscaping surrounding towers, however, the governing authority may waive such requirements if the intent of this chapter would be better served thereby. Tower sites located in the industrial and agricultural zoning districts shall meet the requirements detailed in those sections.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the security fencing.
 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 3. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Code 1998, § 17.70.070; Ord. No. 389(part), 2004)

Sec. 17.70.070. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the following shall apply:

- A. The owner of such antenna or tower or owner or the property where the tower site is located shall remove such antenna and/or tower including all supporting equipment and building within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within the 90 days, the governing authority may remove and salvage the antenna or tower and all supporting equipment and building at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- B. The applicant for a permit under this chapter shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna and supporting equipment and building detailing requirements for abandonment and subsequent removal based on the provisions of Subsection A of this section. The agreement shall also identify that such agreement shall be binding on the future property owner and future owner of a tower, antenna, and all supporting equipment and building.

(Code 1998, § 17.70.080; Ord. No. 389(part), 2004)

CHAPTER 17.72. ACCESSORY USES AND STRUCTURES

Sec. 17.72.010. General requirements.

- A. *Building Permit Required.* No owner shall, within the city, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit has first been obtained from the building inspector. Application for an accessory building permit shall be submitted in writing with a fee pursuant to the city's fee schedule and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, the permit shall be approved.
- B. *Principal Use to Be Present.* An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- C. *Placement Restrictions; Residential District.* An accessory use or structure in a residential district may be established, subject to the following regulations:
 - 1. *Accessory Building Number Limits.* In any residential district, in addition to the principal building, with or without an attached garage, a detached garage, and one additional accessory building, and one temporary children's play structure may be placed on a lot.
 - 2. *Attached Accessory Buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building and the dwelling code footing requirements.
 - 3. *Detached Accessory Buildings; Yard Requirements.* No detached accessory building, but a garage, shall occupy any portion of the side yard with the exception that residential zoned double frontage lots with no backyards may have an accessory structure in the sideyard as long as setbacks and all other general requirements of this chapter are met. Garages and other detached accessory buildings shall be less than 15 feet in height. The total of accessory building shall not occupy more than 25 percent of the rear and side yards or exceed 1,200 square feet in size, whichever is more restrictive. The 1,200 square foot limit includes attached and detached garages, storage buildings and sheds, boathouses, play structures, and decks, kennels and any other structures. No detached accessory building shall be located within ten feet of any other accessory building, five feet in the mobile home park. Setbacks shall be as prescribed by district regulations. The dimensions of any children's play structure, detached and attached garage, television dish antenna larger than two feet in diameter, dog kennel and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures. An accessory building shall not be nearer than ten feet to the principal structure unless the applicable building code regulations in regard to one-hour fire-resistive construction are complied with. In no event can the detached accessory use or structure be forward of the front line of the principal structure. A detached garage located within ten feet of the principal building shall meet principal building setbacks and have frost footings. Finished grade or floor level of detached accessory buildings shall be a maximum of 12 inches above existing grade. On sloped ground, the corner or side on the lowest existing ground may be a maximum of 24 inches above existing grade.
- D. *Use Restrictions; Residential District.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- E. *Corner Lots.* For setback purposes a corner lot is considered having two front yards, one side yard, and one backyard.

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- F. *Double Frontage lot.* This is a broader term for a lot with frontage on more than one street, but it can also refer to lots that have street access at both the front and back, not just corners and is considered two front yards and two side yards with no backyard.
 - G. *Landscaping Uses.* Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, fountains, trees, shrubs, flower gardens, and gardens. Under no circumstances may a tent be used as a dwelling, or an accessory structure.
 - H. *Temporary Uses.* Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the building inspector.
 - I. *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half footcandles at the property line.
 - J. *Accessory Buildings.* Accessory buildings shall be designed and finished to be compatible with the primary structure, using similar building methods, materials and colors.
 - K. *Retaining Walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed four feet in height, and a terrace of at least four feet in width shall be provided between any series of such walls.
 - L. *Children's Play Structures.* For purposes of this section, children's play structures, including play houses, tree houses, or elevated play structures, and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section, whether such play structures are placed on a foundation or not. Tree houses or elevated play structures within 80 feet of a neighbor's home shall require the neighbor's written approval. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this section and a building permit is not required.
 - M. *Terrace Area or City; Right-of-Way Restrictions.* No person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

(Prior Code, § 13-1-200; Code 1998, § 17.72.010; Ord. No. 346, § 1(part), 1997; Ord. No. 371, § 1, 2001; Ord. No. 509, 1-6-2026)

Sec. 17.72.020. Outside storage of firewood.

- A. No person shall store outdoors, nor shall any person permit, or allow the outside storage of, firewood on any property used or zoned for residential use, except as permitted in this section.
- B. Firewood shall not be stored in the front yard of such property or within the setback, except that firewood may be temporarily stored for a period not to exceed 14 days from date of delivery to property.
- C. When adjacent to a fence, firewood shall be stacked no higher than the uppermost horizontal position of fence.
- D. No person shall permit the infestation of mice, rats, other rodents; or insects in, under or near the stack.
- E. No person shall allow any brush, debris or refuse from the processing of firewood to remain anywhere on the property.
- F. Not more than ten percent of the side yards and rear yards combined may be used for storage of firewood at any time.

Sec. 17.72.030. Fences.

- A. *Fence Permit.* No person shall erect a fence in the city unless a permit is first obtained by the owner or his/her agent from the building inspector. The applicant shall submit design specifications for approval and pay required permit fees at the time of making application.
- B. *Fences Defined.* For the purpose of this section, a "fence" is herein defined as a structure serving as a barrier, enclosure or boundary, consisting of materials including, but not limited to, vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, or metal intended to prevent ingress or egress. For the purpose of this section, the term "vegetation" shall include plantings, such as hedges and shrubbery, that when closely placed, grow to form a barrier, enclosure or boundary.
- C. *Vision Triangle Defined.* For the purposes of this section, a "vision triangle" is defined as a triangle formed by connecting the following three points:
1. The point of intersection of the property lines adjacent to the lot of the intersecting streets;
 2. A point 20 feet from said point of intersection along one lot line; and
 3. A point 20 feet from said point of intersection along one lot line.
- D. *Fences Categorized.* Fences shall be categorized into seven classifications:
1. *Boundary Fence.* A fence placed along or within seven feet six inches of the border of the property line.
 2. *Protective Fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.
 3. *Architectural or Aesthetic Fence.* A fence constructed to enhance the appearance of the structure or the landscape.
 4. *Hedge.* A row of bushes or small trees planted close together which grows to form a barrier, enclosure or boundary.
 5. *Picket Fence.* A fence having a pointed post, stake, pale, or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
 6. *Dog Kennel Fence.* A chainlink enclosure allowed in the side or rear yard of the property to secure canine animals.
 7. *Sport Safety Fence.* Fences erected surrounding baseball, softball, or tennis facilities to prevent the projectile balls from injuring spectators.
- E. *Fences Permitted Without a Permit.* The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:
1. Temporary fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback and height requirements set forth in this section. Such fences shall not be erected for more than 45 days or, in the case of a construction project, shall only be for the duration of said construction project.
 2. Snow fencing shall be permitted in all districts not exceeding four feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way unless installed by the city or a contractor having a permit from the city.
 3. Underground fences are permitted in all districts.

F. *Prohibited Fences.*

1. No fence shall be constructed which is in a dangerous condition, or which conducts electricity, or is designed to electrically shock, or which uses barbed wire; provided, however, that barbed wire may be used in agriculturally or industrially zoned areas if the devices securing the barbed wire to the fence are eight feet above the ground in height and project toward the fenced property and away from any public area.
2. No person shall construct or install:
 - a. Any wire or chainlink-type fence with the cut or salvage end of the fence exposed at the top.
 - b. A fence which creates a hazard to users of the street, sidewalk or to nearby property.
 - c. An incomplete fence, consisting only of posts and supporting members.
 - d. A fence on a vacant lot or parcel, except when connected to a lot owned by the same property owner.
 - e. A dog kennel fence in a front yard.

G. *Fencing Materials Suitable.* Fences shall be constructed using materials suitable for residential-style fencing, including, but not limited to, vegetation, stone, vinyl, brick, fieldstone, wrought iron, metal, stockade or board-on-board wood.

1. No chainlink or galvanized steel fencing shall be constructed of less than a minimum of nine-gauge tensile strength and without top rail supports and post caps.
2. No fence or fence panels shall be constructed with multiple building materials or more than one pattern of the same materials on any given lot line with the exception of a fence that sits atop a decorative retaining wall or decorative stone wall which is a part of the fence. For example, a wooden stockade fence cannot be constructed with a wooden picket fence as part of the same fence.
 - a. This shall not prohibit two intersecting fences from having different materials if the fences are owned by different property owners.
3. No fence shall be constructed with used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks or limbs, trash, tires, junk, or other similar items.
4. No fence shall be constructed of materials not specifically manufactured for fencing, such as, but not limited to, railroad ties, doors, landscape timbers or utility poles.
5. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

H. *Construction of Fences.*

1. The height of the fence shall be measured from the established grade.
2. Wooden fences shall be constructed with vertical members, or horizontal members of rail-type fences, placed on the side of the supporting members facing the adjoining property.
3. Fences shall not have sharp or pointed pickets, which can be dangerous to personal safety.
4. Fences can be placed so that the face is toward the neighboring property and is flush with the lot line. The dress side of the fence, or "face" shall be on the outside. All parts of the fence shall be erected on the owner's property.
5. Obstruction of ingress/egress area of a dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six feet shall be maintained between any solid fence and any such window or opening in a dwelling.

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- a. The fire department may grant a waiver to the building inspector to approve a fence adjacent to a required ingress/egress opening of a dwelling between four and six feet if the fence has one of the following features:
 - i. For basement ingress/egress openings, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four-foot wide approved breakaway fence panel and the area on both sides of the gate/fence shall continuously be free from all obstruction including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.
 - ii. For ingress/egress opening above grade, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four-foot wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening and the area on both sides of the gate/fence shall continuously be free from all obstructions including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.
6. Fences Placed on Property Lines.
- a. Property Boundary Determinations. Fences shall be erected on the owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence.
 - i. The lot survey markers indicating the property line must be located and exposed for inspection by the neighboring property owner and the building inspector.
 - ii. A document from all adjoining property owners where a fence is proposed must be provided that indicates that they are in agreement with the applicant's proposed fence location and that the fence does not extend onto any of their adjoining property.
 - iii. Should the applicant not be able to locate the lot survey markers indicating the property line location, or if there is a disagreement as to the validity of the location of the lot survey markers, the applicant shall be required to contract a licensed surveyor to establish the validity of the lot survey markers or to set new lot survey markers should the markers be absent or incorrectly placed.
 - iv. It is recommended that the fence be constructed off the lot line if maintenance will need to be done to the fencing without going onto the neighboring property. Hedges shall be trimmed or confined to the property on which they are planted.
7. Height of Fences Regulated.
- a. *Nonresidential.*
 - i. *Commercial or Industrial.* An industrial or commercial fence shall be no higher than eight feet in height and shall be compliant with the vision triangle height restrictions designated in Subsection H.(7)(iv) of this section. Fences may not exceed forward of the city right-of-way line. Arms or extensions which project from the fence on commercial and industrial properties shall project into the lot proper.
 - ii. *Agricultural.* Fences allowed on agricultural zoned property shall not exceed eight feet in height.
 - iii. *Park.* Fences associated with baseball and/or softball fields and surrounding tennis courts may be erected in conformance with accepted industry standards for height.

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- b. *Residential.* The maximum height of fences, where permitted in the yard of or along the following lot lines shall be as follows:
- i. *Rear Yard.* Six feet in height or less may be located within the rear yard or along the rear lot line.
 - ii. *Side Yard.* Six feet in height or less may be located in the side yard or along the side lot line for a distance measured from the rear lot line to any part of the lot that is at least 25 feet from the front lot line. If a house/principal structure is closer than 25 feet to the front lot line, then a six-foot high fence may be installed on any part of the lot that is as far back from the front lot line as the front of the house, except in the case of a corner lot resulting in a need for a vision triangle restriction.
 - iii. *Front Yard.* Fences four feet or less may be located within the required front yard, except fences that are more than 50 percent solid shall not be permitted within 25 feet of the front lot line. If the house/principal structure is closer than 25 feet to the front lot line, then the four-foot fence height limitation applies only to the area between the front plane of the house and the front property line.
 - iv. *Vision Triangle.* Exception for corner lot properties requiring intersection sight distance. Fences may only be a maximum of 30 inches in height and be no more than 30 percent solid, when located in the vision triangle as described in Subsection C. of this section.
- I. *Fences to Be Repaired and Maintained.* All fences shall be maintained and kept safe and in a state of good repair and the finished side or decorative side of a fence shall face adjoining property. Hedges shall be trimmed and maintained at a height that does not violate the height restrictions for its permitted location.
- J. *Nonconforming Fences.* Any fence existing on the effective date of this Code and not in conformance with this section may be maintained, but no alteration, modification, enlargement, extension, replacement or improvement of the fence shall be made except in strict compliance with all the requirements of this chapter.

(Prior Code, § 13-1-202; Code 1998, § 17.72.030; Ord. No. 346 § 1(part), 1997; Ord. No. 472, 8-4-2015)

Sec. 17.72.040. Swimming pools.

A "swimming pool" is defined as a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 15 inches located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

- A. *Exempt Pools.* Storable children's swimming or wading pools with a maximum dimension of 15 feet and maximum wall height of 15 inches, which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section.
- B. *Permit Required.* Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the building inspector. Plans and specifications and pertinent explanatory data should be submitted to the building inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the building code shall accompany such application.

C. *Construction Requirements.* In addition to such other requirements as may be reasonably imposed by the building inspector, the building inspector shall not issue a permit for construction as provided for in Subsection B. of this section, unless the following construction requirements are observed:

1. *Approved Materials.* All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations, codes and ordinances of the city now in effect or hereafter enacted.
2. *Plumbing.* All plumbing work shall be in accordance with all applicable ordinances of the city and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
3. *Electrical Installations.* All electrical installations, including lighting and heating, but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and city ordinances regulating electrical installations. Do not locate pool under overhead electrical wires.

D. *Setbacks and Other Requirements.*

1. Private swimming pools shall be erected or constructed in the rear yard only and on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot, unless the lot is contiguous and owned by the same owner and the lot is occupied by a principal building.
2. All swimming pools or surrounding decks shall be at least 7½ feet from any lot line or building unless designed and approved as an addition to a building.

E. *Enclosure.*

1. *Fence; In-Ground Pools.* All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square.
 - a. When not in use, gate or door openings through the enclosure shall be kept securely closed and locked at all times, shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times.
 - b. No part of the fence shall provide footholds that would allow a person to climb over it.
2. *Above-Ground Pools; Pool Wall Barrier.*
 - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing the wall of the pool. Such walls shall extend more than four feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall, or fence, or other structure, which can and may be readily climbed by children.
 - b. Every entrance to a pool, such as a ladder, must be secured and adequately safeguarded to prevent unauthorized entries into the pool.
 - c. Pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on top, without footholds within four feet of ground.

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- F. *Compliance.* All swimming pools existing at the time of passage of this Code not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool. Variations in enclosure requirements that do not adversely affect safety of the public may be approved.
 - G. *Draining and Approval Thereof.* No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the plumbing inspector.
 - H. *Filter System Required.* All private swimming pools within the meaning of this title must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
 - I. *Dirt Bottoms Prohibited.* All swimming pools permanent in nature shall have sides and bottoms of a smooth finish and no sand or dirt bottoms shall be permitted.

(Prior Code, § 13-1-203; Code 1998, § 17.72.040; Ord. No. 346, § 1(part), 1997)

Sec. 17.72.050. Retaining walls.

- A. *Purpose.* The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- B. *Permit Required.* A permit shall be required for all retaining walls constructed that exceed 24 inches in height, including terraced retaining wall projects where the total height of all walls exceeds 24 inches, and are closer than 15 feet to a property line.
- C. *Application.* Application shall be made to the building inspector on forms provided, shall include a site plan, a set of construction plans sealed by a professional engineer registered in the state, and any other information deemed necessary by the building inspector to review the proposed retaining wall plans.
- D. *Performance Standards.* A retaining wall shall be designed to resist lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than 30 pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to equivalent fluid pressure.
- E. *Setbacks.* Setbacks for retaining walls shall be at least two feet. If less, then written permission by the neighbors is required.
- F. *Maintenance of Retaining Walls Adjacent to Sidewalks and Streets.* Where public projects are concerned and retaining walls are required, it is expected that once constructed, the care, maintenance, and future replacement of the retaining wall is, and shall remain, the sole responsibility of the property owner whose property is served and benefitted by the retaining wall.

(Prior Code, § 13-1-204; Code 1998, § 17.72.050; Ord. No. 346, § 1(part), 1997; Ord. No. 443, 4-20-2010)

CHAPTER 17.76. ADMINISTRATION

Sec. 17.76.010. General administration system.

This title contemplates an administrative officer entitled the "zoning official" to administer, and an enforcement officer, here called the building inspector to enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this zoning code require review and recommendation by the planning commission and ultimate action by the common council. A zoning board of appeals is provided to ensure proper administration of this title and to avoid arbitrariness.

(Prior Code, § 13-1-240; Code 1998, § 17.76.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.020. Zoning official.

- A. *Appointment.* The common council shall designate the zoning official as the administrative official officer for the provisions of this title. The duty of the zoning official shall be to interpret and administer this title.
- B. *Duties.* In administering this title, the administrator shall perform the following duties:
 - 1. Receive, file and process for action all applications for conditional uses, variances and amendments to this title which are filed in the zoning office;
 - 2. Initiate, direct and review, from time to time, a study of the provisions of this title and make reports of the recommendations to the planning commission for investigation and appropriate action;
 - 3. Carry out such additional responsibilities as are hereinafter set forth by the provisions of this title and as required by the common council;
 - 4. Consult with and direct, as required, the work of the building inspector.

(Prior Code, § 13-1-241; Code 1998, § 17.76.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.030. Building inspector.

- A. *Appointment.* The common council shall designate the building inspector as the enforcement officer for the provisions of this title. The duty of the building inspector shall be to enforce this title, and to issue all permits and perform all inspections required by this title.
- B. *Duties.* In enforcing this title, the building inspector shall perform the following duties:
 - 1. Issue the necessary building permits and occupancy permits required by the provisions of this title, provided its provisions have been complied with;
 - 2. Keep an accurate record of all permits, numbered in the order of issuance;
 - 3. In case of any finding of a violation of this title, notify in writing the actual violator where known, the owner of the property on which the violation has taken place and in extreme cases the common council, indicating the nature of the violation and the action necessary to correct it;
 - 4. Carry out such additional responsibilities as are hereinafter set forth by the provisions of this title.
- C. *Authority.* In the enforcement of this title, the building inspector shall have the power and authority for the following:
 - 1. At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof;

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2. In the name of the city and with authorization of the common council commence any legal proceedings necessary to enforce the provisions of this title or the building code, including the collection of forfeitures provided for herein;
 3. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this title, such revocation to be in effect until reinstated by the zoning official or the zoning board of appeals, or take any other action as directed by the common council to ensure compliance with or to prevent violation of its provisions.

(Prior Code, § 13-1-242; Code 1998, § 17.76.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.040. Role of specific city officials.

- A. *Planning Commission.* The planning commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the city to the common council, other public officials, and other interested organizations and citizens. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this title, its functions are primarily recommendatory to the common council pursuant to guidelines set forth in this title, as to various matters and, always, being mindful of the intent and purposes of this title. Recommendations shall be in writing. A recording thereof in the commission's minutes shall constitute the required written recommendation. The commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The planning commission shall have the powers to conduct and hold public hearings on all proposed amendments to the city zoning code as provided in Wis. Stats. § 62.23(7)(d).
- B. *Common Council.* The common council, governing body of the city, subject to recommendations by the planning commission and the holding of public hearings by the council, has ultimate authority to grant planned unit development applications, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this title. The common council may delegate to the planning commission the responsibility to hold some or all public hearings as required under this title.
- C. *Zoning Board of Appeals.* A zoning board of appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this title. See Chapter 17.12 for detail provisions.

(Prior Code, § 13-1-243; Code 1998, § 17.76.040; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.050. Land use permit or building permit.

- A. *Permit Required.* No building shall be erected, moved or structurally altered until a building permit therefor shall have been applied for and issued.
- B. *Application.* All applications for a building permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, any changes in grade, the lines within which the building shall be erected, altered or moved, the existing or intended use of each building, or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of these zoning regulations.

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- C. *Application; Dimensions.* All dimensions shown relating to the location and size the lot shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- D. *Issuance or Denial.* Except as otherwise provided in these regulations, the building inspector shall issue or refuse to issue a building permit within ten days after receipt of an application therefor. Refusal to issue a building permit shall be given in writing, with the reasons for such refusal.
- E. *Proper Applicants; In General.* The following shall be considered proper applicants for a building permit or certificate of compliance under the terms of these zoning regulations:
1. Record title owner under properly recorded instrument of conveyance;
 2. Owner under properly recorded land contract;
 3. Owner under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement;
 4. Duly authorized agent for any of the above. If a contractor, he/she shall be state licensed.
- F. *Identification.* The zoning official, clerk or building inspector may request proper proof of the applicant showing that he/she is a proper applicant, under the terms of this title. His/her application for a building permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the zoning official's office. The zoning official may revise the form of application for land use permit and certificate of compliance to conform with the terms of this title. If the applicant is not the fee simple owner of the property involved, the name of the owner of any lienholder shall be included in the application.
- G. *Time Limitations.* Any land use permit granted under this title shall become null and void within 24 months after it is issued, if construction on the property for which the permit is granted has not been commenced within the 24-month period. In all such cases where a permit has become null and void, a new application must be filed for a new building permit before any construction can be commenced at such location. Building permits shall expire on the second anniversary date from their issuance.
- H. *Conditions for Refusal; Appeal Procedure.* The zoning official or building inspector shall not issue a building permit for any property, the improvement of which might tend to interfere with the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or the exterior lines of planned widening or extending of existing streets, highways, parkways, parks or playgrounds. Any person who feels aggrieved by the decision of the zoning official or building inspector may appeal to the zoning board of appeals.
- I. *Fees.* Prior to issuing a building permit the zoning official or clerk shall collect from the applicant, to defray the cost to the city of processing the application, a permit fee.
- J. *Additional Requirements.* In addition to other requirements of this title, no building, land use, or moving permit shall be issued unless sanitary sewer and water is available or installation thereof has been approved by the council.

(Prior Code, § 13-1-244; Code 1998, § 17.76.050; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.060. Final inspection and certificate of compliance.

No vacant land shall be occupied or used and no building erected, altered or moved shall be occupied until a final inspection has been performed by the building inspector. Upon written request from the owner, the building inspector after inspection, shall issue a certificate of compliance certifying the extent and kind of use made of the building or premise and whether or not such use conforms to the provisions of this title.

(Prior Code, § 13-1-245; Code 1998, § 17.76.060; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.070. Site plan approval.

- A. *Site Plan Approval.* Applications for permits for any construction, reconstruction, expansion or conversion of mobile home parks, subdivisions, planned unit developments (PD), manmade lakes or ponds, and parking lot, shall require site plan approval by the planning commission and all other applications approval by the building inspector in accordance with the requirements of this section.
- B. *Application.* An applicant for a building permit shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the planning commission or building inspector to determine whether the proposed application meets all requirements applicable in this title.
- C. *Administration.* The zoning official shall make a preliminary review of the application and plans, refer them, along with a report of findings to the planning commission within ten days. The planning commission shall review application and may refer the application and plans to any expert consultant selected by the council to advise whether plans and application meet all requirements applicable thereto in this title. Within 60 days of receipt of application, the planning commission shall authorize the zoning official to issue or refuse building permit.
- D. *Requirements.* In acting on any site plan, the planning commission shall consider the following:
 - 1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas;
 - 2. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking, and for loading and unloading, and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazards created thereby;
 - 3. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal;
 - 4. The landscaping and appearance of the completed site shall also be considered by the planning commission. The planning commission may require that those portions of all front yards, rear yards, and side yards not being used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened, so as not to impair the value of adjacent properties, nor impair the intent or purposes of this section.
- E. *Effect on Municipal Services.* Before granting any site approval, the planning commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the city engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the planning commission shall forward its recommendations to the common council and shall not issue final approval until the common council has entered into an agreement with the applicant regarding the development of such facilities.

(Prior Code, § 13-1-246; Code 1998, § 17.76.070; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.080. Fees.

The fees applicable for this title, as approved by the common council, are listed on the fee schedule posted in the city clerk's office.

(Prior Code, § 13-1-247; Code 1998, § 17.76.080; Ord. No. 346, § 1(part), 1997)

Sec. 17.76.090. Violations; penalties.

- A. *Violations.* It is unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this title. In case of any violation, the common council, the zoning official, the building inspector or the planning commission may cause appropriate action or proceeding to be instituted to enjoin a violation of this title or cause a structure to be vacated or removed.
- B. *Remedial Action.* Whenever an order of the zoning official or building inspector has not been complied with within 30 days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the common council, the zoning official, the building inspector or the city attorney may institute appropriate legal action or proceedings.
- C. *Penalties.* Any person, firm or corporation who fails to comply with the provisions of this title or any order of the zoning official, etc., issued in accordance with this title or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Chapter 1.24.

(Prior Code, § 13-1-248; Code 1998, § 17.76.090; Ord. No. 346, § 1(part), 1997)

CHAPTER 17.80. APPEALS

Sec. 17.80.010. Zoning board of appeals.

The City of Omro zoning board of appeals is an independent body consisting of citizen volunteers appointed to the board by the mayor with approval of the common council.

- A. *Composition of Board.* The board shall consist of five members and two alternate members. The mayor shall appoint, and the common council approve, one of the alternate members as the first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.
- B. *Chairperson.* The board shall choose a chair from among its membership and determine its rules of proceeding according to Roberts Rules of Order and the Wisconsin State Statutes.
- C. *Term of Office.* Members shall serve terms of three years in duration except that of those first appointed, one member shall serve for one year, two members shall serve for two years, and two members shall serve for three years. Alternates shall serve for terms of three years. No member shall serve more than two consecutive terms of office.
- D. *Board Vacancy.* Board vacancies shall be filled by mayoral appointment and approval of the common council. Vacancies shall be filled for the remainder of the term of office of the member whose term becomes vacant.
- E. *Compensation.* Members shall serve without compensation.

(Prior Code, § 13-1-280(a); Code 1998, § 17.80.010; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

Sec. 17.80.020. Appeals procedure.

- A. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- C. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in Wis. Stats. § 44.31(4), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning commission.
- D. The board of appeals shall have the following powers:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter
 - 2. To hear and decide special exception to the terms of this chapter upon which such board is required to pass under this chapter;
 - 3. To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title will result in practical difficulty or unnecessary hardship, so that the spirit of this title shall be observed, public safety and welfare secured, and substantial justice done or specifically in the case of the building or housing code appeals an equally good or better form of construction or repair can be used. If the board of appeals does not specify an expiration date for the variance, a variance does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012. A variance granted under this subdivision runs with the land. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this title, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare. "Unnecessary hardship" means:
 - a. That no feasible use can be made of the property without the granting of the appeal; and
 - b. The hardship is something which is unique to this property and not the owner of the property; and
 - c. The hardship is not self-created; and
 - d. The hardship is not solely economic.

(Prior Code, § 13-1-280(b); Code 1998, § 17.80.020; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

Sec. 17.80.030. Procedures.

- A. The zoning board of appeals shall adopt rules for its government and procedure. Meetings of the zoning board of appeals shall be held at the call of the chairperson and at such times as the zoning board of appeals may determine, the chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B. The zoning board of appeals shall take no action except in a specific case and after a public hearing conducted by such board. Notices of the time and place of such public hearing shall be posted in at least three public places. Notices shall be sent to interested parties as determined by the city clerk of the zoning board of appeals. There shall be at least a three-day period between time of posting and the time of the meeting excluding the day of posting. Such notice shall contain the particular address or location of the property for which the variance or other ruling by the zoning board of appeals is sought, as well as a brief description of the nature of the appeal, and of what the proposed variance consists.
 - 1. Should a change in circumstances occur within a 12-month period which, in the appellant's opinion, changes the character of the appeal, then the appellant shall, in that event:
 - a. Appellant shall submit a request for an additional hearing, outlining the changes in circumstances which have occurred;
 - b. The zoning board of appeals shall review the request of the appellant and if in the opinion of three members of the zoning board of appeals, there is sufficient change in the circumstances to warrant a hearing, the zoning administrator shall schedule the hearing under the normal rules of procedure of the zoning board of appeals.
 - 2. No order of the zoning board of appeals permitting the erection or alteration of a structure shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 - 3. No order of the zoning board of appeals permitting a use of a structure or premises shall be valid for a period longer than six months, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a structure, such order shall continue in force and effect if a building permit for the erection or alteration is started and proceeds to completion in accordance with the terms of such permits.
 - 4. The board of appeals may take action by a majority of the members of the board provided that a quorum is present. A quorum is defined as a majority of the members present. The zoning board of appeals may reserve or affirm wholly or in part or may modify any requirement, decision, determination or order appealed from and shall make such requirement, decision, determination, or order as in its opinion ought to be made in the premises and to that end shall have all powers of the zoning official. A concurring vote of a majority of the board shall be necessary to reserve any requirement, decision, determination or order appealed from or to decide in favor of the applicant on any matter on which it is required to pass or the effect any variation in the requirements of this title. In exercising the foregoing powers, the zoning board of appeals may in appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this title.

(Prior Code, § 13-1-280(c); Code 1998, § 17.80.030; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

Sec. 17.80.040. Zoning board of appeals; powers.

Powers of the zoning board of appeals include the following:

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- A. *Hear Appeals.* To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision or determination made by the zoning administrator.
 - B. *Authorize Variances.* To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to public interest, where owing to special conditions, a literal enforcement of the provisions of the title will result in practical difficulty or unnecessary hardship, so that the spirit of the title shall be observed, public safety and welfare secured, and substantial justice done.
 - C. *Extend District.* To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of this title.
 - D. *Interpret Zoning Code.* To interpret the provisions of the title in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this title where the street layout on the ground varies from the street layout as shown on the map aforesaid.
 - E. *Vary Height and Area Regulations.* Vary height and area regulations where there is an exceptional or unusual physical condition of a lot, which conditions is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this title would present a reasonable or sensible arrangement of structures on the lot.
 - F. *Vary Parking Regulations.* Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking space required by this title by providing that such a reduction not be more than 25 percent of the unusual requirement.
 - G. *Powers of Board Limited.* The zoning board of appeals has no other powers than those above specified.

(Prior Code, § 13-1-280(d); Code 1998, § 17.80.040; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

Sec. 17.80.050. Records and minutes.

The city clerk or designee thereof of the zoning board of appeals shall keep minutes of its proceedings, showing the action taken upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

(Prior Code, § 13-1-280(e); Code 1998, § 17.80.050; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

Sec. 17.80.060. Fees.

All fees shall be approved by the common council, and listed on the fee schedule posted in the city clerk's office.

(Prior Code, § 13-1-280(f); Code 1998, § 17.80.060; Ord. No. 346, § 1(part), 1997; Ord. No. 426(part), 2007)

CHAPTER 17.84. AMENDMENTS

Sec. 17.84.010. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the common council may, by ordinance, change the district boundaries established by this title and the zoning map incorporated herein and/or the supplementary floodland zoning map incorporated herein, or amend, change, or

supplement the text of regulations established by this title or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the planning commission.

(Prior Code, § 13-1-260; Code 1998, § 17.84.010; Ord. No. 346, § 1(part), 1997)

Sec. 17.84.020. Initiation of changes and amendments.

The common council, the planning commission, the zoning board of appeals, and other government bodies and any private petitioners may apply for an amendment to the text of this title to the district boundaries established or by amendments hereto in the accompanying zoning map made a part of this title and/or the supplementary floodland zoning map to be made a part of this title by reference.

(Prior Code, § 13-1-261; Code 1998, § 17.84.020; Ord. No. 346, § 1(part), 1997)

Sec. 17.84.030. Procedure for changes and amendments.

A. *Petition.*

1. Petitions for any change to district boundaries, maps or amendments to the text regulations shall be addressed to the common council and filed with the zoning official. The person requesting such action shall provide all information requested on the petition including:
 - a. The name and street address of the petitioner;
 - b. The lot number of any real estate owned by the petitioner adjacent to the area proposed to be change;
 - c. The legal description of property to be altered;
 - d. The existing use of all buildings on such land;
 - e. The principal use of all properties within 200 feet of such land (parcel);
 - f. The purpose for which the property is to be used;
 - g. Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this title;
 - h. The names and addresses of all abutting and opposite property owners within 200 feet of the property which is be altered;
 - i. Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within 200 feet of parcel;
 - j. Any further information requested to the petition or which may be required by the planning commission to facilitate the making of a comprehensive report to the common council.
2. Failure to supply such information shall be grounds for dismissal of the petition.
3. A petition for change or amendment submitted by a private property owner shall be prepared in triplicate and filed with the city administrator/clerk and shall be accompanied by the appropriate fee to defray the costs of giving notice, investigation, and other administrative processing.

- B. *Recommendations.* The council or city administrator shall cause the petition to be forwarded to the planning commission for its consideration and recommendation. The planning commission shall review all proposed amendments to the text and zoning map within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the planning

commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the planning commission may on occasion, of its own volition, conduct its own public hearing on proposed amendments.

C. *Hearings.*

1. The common council, following receipt of recommendation of the planning commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Wis. Stats. ch. 985. At least ten days prior, written notice shall also be given to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
2. The common council may delegate to the planning commission the responsibility to hold public hearings as required under this section.

- D. *Common Council's Action.* Following such hearing and after consideration of the planning commission's recommendations, the common council shall vote on the proposed ordinance effecting the proposed change or amendment. A three-fourths vote of the full common council membership is required to override the planning commission's determination.

(Prior Code, § 13-1-262; Code 1998, § 17.84.030; Ord. No. 346, § 1(part), 1997)

Sec. 17.84.040. Protest.

In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of 20 percent or more, either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective, except by the favorable vote of three-fourths of the full common council membership.

(Prior Code, § 13-1-263; Code 1998, § 17.84.040(B); Ord. No. 346, § 1(part), 1997)

ORD: -C#514 An Ordinance Creating Sections 17.74 Cargo Containers, Shipping Containers, Portable Storage Units, Storage Trailers, and Temporary Storage Units and 17.75 Outdoor Storage Regulations for the City of Omro

Sec. 17.74 Cargo Containers, Shipping Containers, Portable Storage Units, Storage Trailers, and Temporary Storage Units.

17.74.010 Purpose and intent.

A. The purpose of this section is to regulate the placement, use, and duration of cargo containers, shipping containers, portable storage units, storage trailers, and similar temporary storage structures within the City.

B. These regulations are intended to:

1. Protect neighborhood character and aesthetics.
2. Prevent visual blight and nuisance conditions.
3. Ensure compatibility with surrounding land uses.
4. Maintain public safety and accessibility.
5. Provide reasonable temporary storage options for residents and businesses.
6. Prevent the long-term use of shipping containers, trailers, and other temporary structures as permanent buildings where such use is inconsistent with zoning district regulations.

C. These regulations are adopted pursuant to the City's zoning authority and shall be administered in conjunction with other provisions of this Code including nuisance, property maintenance, and accessory structure regulations.

17.74.020 Definitions.

For the purposes of this section, the following definitions shall apply.

A. Cargo container or shipping container means a prefabricated metal container originally designed for the transportation of goods by ship, rail, or truck, typically eight (8) feet in width and eight (8) to nine (9) feet in height.

B. Portable storage unit means a transportable container designed for temporary storage of household goods or business property that is delivered and removed by a commercial provider.

C. Temporary storage unit means any portable container, trailer, storage pod, or similar structure used for short-term storage of personal or business property.

D. Construction storage container means a cargo container or storage unit placed on a property for the storage of construction materials and equipment during active construction.

E. Storage trailer means any trailer, semi-trailer, truck body, or freight container used for stationary storage of goods.

F. Semi-trailer storage unit means a trailer originally designed for over-the-road freight transport that is detached from a tractor and used for storage purposes.

17.74.030 General regulations.

A. Except as specifically authorized in this section, cargo containers, shipping containers, portable storage units, and storage trailers shall not be used as permanent accessory structures.

B. Containers or trailers shall not be used for residential occupancy.

C. Containers shall not be connected to utilities unless approved through applicable building permit and zoning review.

D. Containers shall comply with applicable:

1. Zoning district regulations.
2. Yard setback requirements.

3. Fire safety requirements.
4. Property maintenance standards.
5. Nuisance regulations of this Code.

17.74.040 Temporary residential use.

- A. Portable storage units may be placed on residential property for the purpose of moving, remodeling, or temporary storage.
- B. The following standards shall apply.
 1. Maximum duration shall be thirty (30) consecutive days.
 2. One extension of up to thirty (30) additional days may be granted by the zoning administrator upon written request.
 3. No more than one (1) portable storage unit shall be permitted per property at any time.
 4. The unit shall be placed on a driveway or other improved surface whenever practicable.
 5. Units shall not be placed within the public right-of-way unless authorized by the City.
 6. Units shall not obstruct sidewalks, driveways, fire hydrants, utilities, or traffic visibility.

17.74.050 Construction site containers.

- A. Cargo containers, portable storage units, or storage trailers may be placed on properties with an active building permit.
- B. The following regulations shall apply.
 1. Containers shall only be permitted during active construction.
 2. Containers shall be removed within fourteen (14) days after completion of construction or expiration of the building permit.
 3. No more than two (2) containers shall be permitted per construction site unless otherwise approved by the zoning administrator.
 4. Containers shall not interfere with required setbacks, fire lanes, or traffic visibility where practicable.

17.74.060 Residential zoning districts.

- A. The following regulations apply within residential zoning districts including R-1, R-2, R-3, and R-4.
- B. Cargo containers and shipping containers shall not be permitted as permanent accessory structures.
- C. Portable storage units may be permitted only as provided in Section 17.74.040.
- D. Storage trailers and semi-trailers shall not be permitted.
- E. Containers shall not be located within the public right-of-way without authorization from the City.
- F. No temporary storage unit shall remain on a residential property for more than sixty (60) total days within any twelve-month period.

17.74.070 Commercial zoning districts.

- A. The following regulations apply within commercial zoning districts including C-1 and C-2.
- B. Cargo containers and portable storage units may be permitted as temporary storage subject to approval by the zoning administrator.
- C. The maximum permit duration shall be ninety (90) days unless otherwise approved.
- D. Containers shall be located behind the principal building whenever practicable.
- E. Containers visible from public streets or adjacent residential properties may be required to be screened by fencing, landscaping, or building placement.
- F. Permanent use of cargo containers for storage shall require approval of a conditional use permit.

17.74.080 Industrial zoning districts.

- A. The following regulations apply within industrial zoning districts including I-1 and I-2.
- B. Cargo containers, shipping containers, and storage trailers may be permitted as accessory storage structures.
- C. Containers shall comply with applicable yard setback requirements.
- D. Containers shall be located in side or rear yards where practicable.
- E. Containers may be stacked to a maximum height of two (2) containers unless otherwise approved through site plan review.
- F. Containers shall not be used for residential occupancy.
- G. Containers shall be maintained in good condition and free from excessive rust, deterioration, or structural damage.
- H. Where property located within an industrial zoning district is subject to recorded covenants administered by the Omro Area Development Corporation, including industrial park covenants, the placement and appearance of cargo containers, storage trailers, or other storage structures shall comply with such covenants.
- I. In the event of a conflict between this section and applicable Omro Area Development Corporation covenants, the more restrictive provision shall apply.

17.74.085 Storage trailers and semi-trailers used for stationary storage.

- A. The purpose of this section is to regulate the use of semi-trailers and similar equipment when used for stationary storage.
- B. Storage trailers shall not be permitted in residential zoning districts.
- C. In commercial districts, storage trailers may be permitted on a temporary basis subject to the following:
 - 1. Maximum duration shall be ninety (90) days unless otherwise approved.
 - 2. No more than two (2) trailers shall be permitted on a property at any one time unless approved through site plan review.
 - 3. Trailers shall be located behind the principal building where practicable.
 - 4. Trailers shall not obstruct required parking areas, fire lanes, or access drives.
- D. Storage trailers are permitted in industrial districts subject to compliance with yard setbacks and access requirements.

17.74.090 Design and appearance standards.

- A. Containers shall be maintained in good repair and free from excessive rust, structural damage, or graffiti.
- B. Containers visible from public streets or residential properties may be required to be painted in neutral or subdued colors.
- C. Screening or fencing may be required where containers are visible from public streets or adjacent residential properties.
- D. Containers shall not display advertising except for company identification.

17.74.100 Permit requirements.

- A. A temporary storage permit may be required for:
 - 1. Portable storage units exceeding fourteen (14) days.
 - 2. Cargo containers located in commercial districts.
 - 3. Construction storage containers.
 - 4. Storage trailers used for stationary storage.
- B. Permit applications shall include:

1. Location of the container on the property.
2. Container dimensions.
3. Requested duration of placement.
4. Property owner authorization.

17.74.110 Enforcement.

- A. The zoning administrator or other authorized City official may enforce the provisions of this section.
- B. Violations shall be subject to enforcement procedures and penalties as provided in Chapter 1 of this Code.
- C. Containers placed in violation of this section may be ordered removed.

17.74.120 Nonconforming containers.

- A. Any cargo container, shipping container, portable storage unit, or storage trailer existing in violation of this section on the effective date of this ordinance shall be removed or brought into compliance within one hundred eighty (180) days unless otherwise approved by the City.

Sec. 17.75 Outdoor Storage Regulations.

17.75.010 Purpose.

- A. The purpose of this section is to regulate outdoor storage in order to protect public health, safety, property values, and neighborhood appearance.
- B. Outdoor storage shall be conducted in a manner compatible with surrounding land uses.

17.75.020 Applicability.

- A. The provisions of this section apply to all zoning districts within the City.
- B. These regulations apply to outdoor storage of:
 1. Materials
 2. Equipment
 3. Merchandise
 4. Construction materials
 5. Vehicles or trailers not otherwise regulated.

17.75.030 General standards.

- A. Outdoor storage shall not occur within required front yards unless specifically permitted.
- B. Outdoor storage areas shall be maintained in an orderly and safe condition.
- C. Stored materials shall not create fire hazards, public safety hazards, or nuisance conditions.
- D. Outdoor storage shall comply with applicable fire, building, and environmental regulations.

17.75.040 Residential districts.

- A. Outdoor storage in residential districts shall be limited to customary residential uses.
- B. Permitted storage includes:
 1. Lawn and garden equipment
 2. Firewood
 3. Recreational equipment
- C. The following are prohibited:
 1. Storage of commercial materials or equipment

2. Storage of construction materials unrelated to active construction
3. Storage of inoperable vehicles

17.75.050 Commercial districts.

- A. Outdoor storage may be permitted as an accessory use.
- B. Storage areas shall:
 1. Be located behind the principal building where practicable.
 2. Be screened if visible from public streets or residential properties.
 3. Maintain orderly storage of materials.

17.75.060 Industrial districts.

- A. Outdoor storage is permitted as an accessory use.
- B. Storage areas shall not obstruct fire lanes or access drives.
- C. Materials shall be stored in an orderly and secure manner.
- D. Storage visible from residential districts may be required to be screened.

17.75.070 Screening.

- A. Screening may be required for outdoor storage areas visible from:
 1. Public streets
 2. Residential zoning districts
- B. Screening may include fencing, landscaping, walls, or building placement.

17.75.080 Enforcement.

- A. The zoning administrator may enforce the provisions of this section.
- B. Violations shall be subject to enforcement procedures and penalties provided in Chapter 1 of this Code.