

**City of Fort Atkinson**  
*Chapter 15:*  
*Zoning Ordinance*

## **ARTICLE 15-1 RESOLUTION**

(To Be Completed by the City Attorney)

## **ARTICLE 15-2 TITLE, PURPOSE, INTERPRETATION, AND SEVERABILITY**

### **15.2.1 TITLE**

This ordinance shall be known as the “Official Zoning Code of the City of Fort Atkinson, Wisconsin”, and may be so cited, and further reference elsewhere as “Zoning Code”, and herein as “this Code”, or as “this Ordinance”, shall imply the same wording and meaning as the full title.

### **15.2.2 GENERAL PURPOSE AND INTENT**

The intent of this Ordinance is to protect the health, safety and welfare of the residents of the City of Fort Atkinson and meet the statutory provisions of Wisconsin Statutes ss. 50.01 and 50.03 related to C.B.R.F.s and other community living arrangement facilities and the Federal Fair Housing Act Amendments of 1988.

### **15.2.3 INTERPRETATION**

For the purpose of this Code, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the words “shall” and “must” are mandatory not directory; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual; the word “uses” includes designed and intended or arranged to be used; the word “building” includes the word “structure”; the word “lot” includes “building lot” or parcel. Wherever this Code imposes a greater restriction than imposed by other codes, laws or regulations, the provisions of this Code shall govern.

### **15.2.4 SEVERABILITY**

If any court of competent jurisdiction renders any provision of this Ordinance invalid, that ruling shall not affect any ordinance provision not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to any particular property, building, or other structure or use, that ruling shall not affect the application of the Ordinance provision to any property, building, or other structure or use not specifically included in the judgment.

## **ARTICLE 15-3 REVIEW AND DECISION MAKING BODIES**

### **15.3.1 COMMON COUNCIL**

The powers and duties of the Common Council under this zoning ordinance shall be as follows:

- A. Changes and Amendments**  
Review petitions to change zoning district boundaries or amend this zoning ordinance and take final action to approve or deny such petitions
- B. Planned District Developments (PDD)**  
Review PDD overlay district petitions and take final action to approve or deny such petitions.
- C. Sign Appeals**  
Review applications for sign variances when signs do not meet the provisions of the sign ordinance and take final action to approve or deny the variance.

### **15.3.2 PLAN COMMISSION**

The Plan Commission has been designated by the Common Council as the advisory commission to the City of Fort Atkinson on Planning and Zoning matters as granted by Section 62.23 of the Wisconsin Statutes and amendments thereto. The duties of the Plan Commission shall be as follows:

- A. Changes and Amendments**  
Review petitions to change zoning district boundaries or amend this zoning ordinance and recommend that the Common Council approve or deny such petitions.
- B. Planned District Developments (PDD)**  
Review PDD overlay district petitions and recommend that the Common Council approve or deny such petitions.
- C. Site Plan Review**  
Review the site plan, existing and proposed structures, architectural plans, lighting plans, neighboring uses, landscaping, open space, parking areas, driveway locations, loading and unloading, vehicle access, traffic generation and circulation, drainage, sewerage and water systems, and proposed uses in all districts. However, no plan approval is required for single-family and two-family residences except as may be required by the City Engineer.
- D. Conditional Use Approvals**  
Review applications for conditional use approvals as well as any applications referred by the Building Inspector and take final action to approve or deny such applications. Single-family and two-family residences are not required to obtain zoning permits or use approvals from the Plan Commission.
- E. Sign Permits**  
Review applications for signs that specifically require Plan Commission review as well as signs referred by the Building Inspector, and take final action to approve or deny such applications.

### **15.3.3 BOARD OF APPEALS**

The Board of Appeals is established for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this zoning ordinance.

**A. Appointment**

A Board of Appeals is hereby established to consist of five (5) members and two (2) alternates, who shall be appointed by the City Manager and approved by the Common Council. The members and alternates of the Board shall serve without compensation. The City Manager shall appoint one member as Chairman. The Secretary shall be selected by the Board. The term of office of members and alternates shall be two (2) years.

**B. Authority**

The Board shall have jurisdiction of certain matters arising in connection with the administration, enforcement or interpretation of this Ordinance as herein provided.

**C. Meetings**

All meetings of the Board shall be held at the Municipal Building unless a different meeting place is announced in a public notice of the meeting. All meetings shall be held at the call of the Building Inspector and at such other times as the Board may determine. The Building Inspector, or in his absence the Acting Chairman, may administer oath and compel the attendance of witnesses. Three (3) members shall constitute a quorum.

**D. Conflict of Interest**

A member shall refrain from serving when he/she has a personal or financial interest in a case before the Board; in such cases, the alternate shall be eligible to serve as a member.

**E. Rules of the Board**

The Board shall adopt from time to time such rules and regulations as it deems necessary to carry into effect the provisions of the Ordinance, and of Section 62.23 of Wisconsin Statutes and amendments thereto.

1. The Board shall keep minutes of its proceedings, showing the vote of each member upon a question, or if absent or failing to vote, showing such fact.
2. The final disposal of appeals shall be by recorded resolutions indicating the reasons of the Board therefore, all of which shall be a public record.
3. The concurring vote of four (4) members of the Board shall be necessary to reverse any order or determination of the Building Inspector or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation of this Ordinance.

**F. Who May Appeal to Board**

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Fort Atkinson within a reasonable time as shall be prescribed by the Board by general rule, by filing with the Building Inspector and with the Board a notice of appeal specifying the ground thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting a record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving 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 appeal in person or by agent or attorney.

**G. Powers of the Board**

The Board shall have the following powers

1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by the Building Inspector in the administration of this Ordinance.
2. To permit the reasonable extension of a district where the boundary lines of a district divide the lot in single ownership as of the date of adoption of this Ordinance.
3. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan where the street layout actually on the ground varies from the street layout as shown on the Zoning Map.
4. To permit a temporary building for business or industry in a residence district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
5. To permit a change of non-conforming use to another of the same classification where the Board, after a public hearing thereon, deems that the proposed use will be not more harmful to the surrounding neighborhood, from the standpoint of the purposes of this Ordinance, than the existing non-conforming use.
6. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty or an unnecessary hardship, so that the spirit of this Ordinance shall be served and substantial justice done. (*Note: Financial considerations do not constitute a hardship for the purposes of this section.*)
7. In the exercise of its powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly modify the requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector

## **H. Standards and Findings**

No variance from the provisions of this Ordinance shall be granted by the Board of Appeals unless it finds, beyond a reasonable doubt, that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

### **1. Physical Conditions vs. Convenience**

That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that premises which are creating the practical difficulty or unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.

### **2. Unique vs. General Conditions**

That the conditions are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under appeal and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for future variances, Ordinance changes or amendments.

### **3. Absence of Detriment**

That in granting an appeal there will not be created an initial detriment to the subject, adjacent, or neighborhood properties or to the general public interest.

### **4. Conditions Not Creating by Appellant**

That the alleged conditions create the difficulty or hardship were not caused by the appellant nor by any person still having an interest in the property. A self-imposed hardship is not a basis for granting a variance, nor are financial concerns.

### **5. No Reasonable Use**

That, absent a variance, the property owner would have no reasonable use of the property. (State of Wisconsin v. Kenosha County Board of Adjustment; WI Supreme Court, May, 27, 1998)

## **I. Appeals from the Decisions of the Board**

Any person or persons, jointly or severally, aggrieved by the decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City of Fort Atkinson, may, within thirty (30) days after the filing of the decision in the office of the City Clerk, but not thereafter, present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision was illegal, in whole or in part, specifying the grounds of illegality whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

#### **15.3.4 BUILDING INSPECTOR / ZONING ADMINISTRATOR**

**A. Building Inspector / Zoning Administrator**

Throughout this Ordinance any reference to the Building Inspector shall be interpreted to mean the Building Inspector / Zoning Administrator and his/her designee.

**B. Powers of the Building Inspector**

1. The Building Inspector is the administrative official designated by the Common Council to administer and enforce this Code.
2. The Building Inspector may be provided with the assistance of such other persons as the City Plan Commission may direct.
3. The Building Inspector is hereby authorized and directed to enforce all provisions of this Code, investigate all complaints, give notice of violations, issue orders to comply with the Zoning Code, and assist the City Attorney in the prosecution of violators.
4. The Building Inspector may enter, at any reasonable time, onto any public or private lands to make a zoning inspection while in the performance of his duties.
5. The Building Inspector is hereby authorized to review applications for signs that meet the provisions of the sign ordinance and do not require Plan Commission review, and take final action to approve or deny such applications. The Building Inspector may also forward any sign application to the Plan Commission for review.
6. No certified survey maps purporting to create lots to accommodate zero lot line dwellings on existing lots may be recorded unless the Zoning Administrator first determines that the lots are zoned R-2 or R-3, the necessary conditional use has been obtained, and the original lots conform to the minimum zoning standards set in Sections 15.6.9 or 15.6.10 of this Code. All maps must properly show existing easements, dedications and restrictions.

#### **15.3.5 PUBLIC HEARINGS**

Notice of any public hearing which the Council or the Plan Commission is required to hold under the terms of this Code shall specify the date, time and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in the official newspaper of the City at least once each week for two consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The City Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed action, and to the owners of property within 100 feet of the land to be affected by the proposed action.

#### **15.3.6 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

**A. Establishment**

The Common Council may establish a schedule of fees, charges and expenses and a collection procedure for zoning changes, appeals, and other matters pertaining to this Ordinance.

**B. Collection Office**

The schedule of fees, charges and expenses shall be posted in the office of the Building Inspector, who shall be responsible for their collection. The schedule may be altered or amended only by the Common Council. Until all applicable fees, charges, and expenses have been paid in full, no action will be taken on any application, appeal, or other matter requested.

**15.3.7 LEGAL STATUS**

**A. Conflict with Other Laws**

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under a statute or other legal document, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or legal document require more restrictive standards than are required by this Ordinance, the provision of such statute or document shall govern.

**B. Validity**

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

**C. Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed.

**D. Effective Date**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

## **ARTICLE 15-4 SITE PLAN APPROVAL REQUIREMENTS**

### **15.4.1 PURPOSE AND INTENT**

For the purposes of promoting compatible development and ensuring adequate public facilities, no person shall obtain a building permit or commence a use of land without first obtaining site plan approval. However, no site plan approval is required for single and two family residences except as may be required by the City Engineer.

### **15.4.2 PRELIMINARY CONSULTATION**

Prior to the preparation and official submittal of the site plan and supporting data, the applicant shall meet with City Staff for a preliminary consultation. The purpose of this consultation is to have an informal discussion of the proposed project, a review of the applicable regulations and policies, and a discussion of the land use implications of the project.

### **15.4.3 REQUIRED PLAN SUBMITTAL INFORMATION**

All applicants shall provide the following information:

#### **A. General Submittal Requirements**

1. Applicants for site plan review must submit twelve (12) copies of the site plan, and a written request for action to the City Engineer a minimum of two (2) weeks prior to the Plan Commission meeting when action is requested.
2. Site plans shall be at a scale of 1:40.

#### **B. Narrative**

A narrative or cover shall include the following:

1. Owner and/or developer's name, phone number, and address
2. Where applicable, the architect's or engineer's name, phone number, and address
3. Description of all proposed buildings indicating proposed uses and building size
4. Descriptions of the location, type, and size of all outside signs
5. Calculations indicating the total site size, building floor area, number of parking spaces, amounts of impervious surfaces, and amount of non-impervious green space

**C. Disclosure Statement**

In addition to the basic narrative listed above, each of the following points must be addressed and numbered accordingly in a document submitted at the time of application. If, in the opinion of the applicant, the matter is not pertinent, that should be stated explicitly in writing and submitted as part of the Disclosure Statement.

1. **Ordinance and Comprehensive Plan Purposes and Intent**  
The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Fort Atkinson Comprehensive Plan or element thereof.
2. **Adverse Impact**  
The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish and impair property values within the community or neighborhood.
3. **Interference with Surrounding Development**  
The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property according to the applicable zoning district regulations.
4. **Adequate Public Facilities**  
The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
5. **Traffic Management**  
That vehicular ingress and egress at the proposed site shall not cause a significant increase of traffic on residential streets.
6. **Destruction of Significant Features**  
The Plan Commission may impose reasonable conditions on the proposed use and development to avoid or minimize the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, taking into account the surrounding uses, the existing use of the site, and public convenience.
7. **Compliance with Standards**  
The use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified to a more restrictive requirement by the City Council pursuant to the recommendations of the Plan Commission.

**D. Site Plan**

A site plan shall include the following:

1. Name of project and date of plan preparation
2. Scale of drawing (1:40) and North arrow
3. Property boundaries
4. Where applicable, the 100 year recurrence interval floodplain and floodway delineations
5. Where applicable, wetlands as delineated in the WDNR Wetland Inventory and a 20 foot setback line from such wetlands
6. Existing and proposed easements on the subject property
7. Adjoining public street right of ways, sidewalk locations, existing and proposed driveways and curb cuts, and parking and unloading areas
8. Locations of existing and proposed building footprints with building setback lines shown
9. Location of any existing or proposed ground signs, freestanding signs, or monument signs
10. Location and type of all outdoor lighting proposed to illuminate the site
11. Existing land use and zoning of the adjacent properties including existing buildings, structures, and major features including, but not limited to, woodlands, wetlands, floodplains, steep slopes, and drainageways
12. Location of any existing or proposed fire hydrants providing protection to the site

**E. Building Plans**

Building Plans shall include the following:

1. Architectural elevation drawings, at a scale of 1/4" = 1'-0" depicting each side of new or remodeled buildings indicating materials and building dimensions
2. One colored rendering of the front facade of the principal building showing the proposed color

**F. Grading and Storm Water Plans**

Grading and storm water plans shall include the following:

1. Spot elevations, including an onsite benchmark elevation
2. Plan should clearly indicate proposed drainage patterns
3. Existing and proposed topography shown at a contour interval of not less than two (2) feet at National Geodetic Vertical Datum
4. Location and dimension of storm water retention or detention basins and/or storm water conveyances including calculations of anticipated storm water impacts for the site

**G. Lighting Plans**

Lighting plans must be provided and prepared in accordance with the provisions of Section 15.10.4.

**H. Landscaping Plans**

Landscaping plans must be provided and prepared in accordance with the provisions of Section 15.10.2 and shall include:

1. The location and species name of all existing mature trees with a Diameter at Breast Height (DBH) of six (6) inches or more
2. Proposed landscaping and planting including number of plantings, height of plantings, and species names
3. Location, dimensions, and description of any retaining walls, berms, or other landscape features

**I. Traffic Study**

Unless waived by the City Engineer, the applicant shall submit a traffic study including existing traffic volumes, anticipated trip generation, and existing and proposed level of service on adjacent arterial and collector streets for Plan Commission review.

**J. Other Data**

1. Copies of private mains, easements, deed restrictions, covenants and other recorded documentation relative to the property.
2. Depending on the type and scale of the project, the City Plan Commission and/or Staff may request additional information to assist in the review of the project.

**15.4.4 LAPSE OF SITE PLAN APPROVAL**

In the event the project for which the site plan approval was granted has not commenced construction within one (1) year, or has not been completed within three (3) years of such approval, the site plan approval shall lapse and there shall be no further development or construction on the site. Upon reapplication, the Plan Commission may renew the site plan as originally granted or require changes as deemed necessary.

**15.4.5 SITE PLAN REVISIONS**

Any major revisions to the site plan after initial approval must be approved by the Plan Commission prior to the issuance of a building permit, or continuation of further development. Minor revisions may be approved by the City Staff. The Building Inspector shall determine whether any revision is major or minor.

#### **15.4.6 CERTIFICATE OF OCCUPANCY**

**A. Certificate of Occupancy Required**

No building nor part thereof shall be occupied, nor shall a change in use occur, until a certificate of occupancy has been issued. Future changes in use may require additional building modifications.

**B. Compliance with Conditions**

No building or part thereof shall be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

**C. Completion of Improvements**

No certificate of occupancy shall be issued until all improvements shown on an approved site plan have been completed in accordance therewith.

**D. Exceptions: Temporary Occupancy**

Upon a finding by the Building Inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy will not involve any health or safety hazards, the Building Inspector may issue a temporary occupancy bearing an expiration date, which will allow reasonable time for completion of all required improvements prior to the date of expiration of the temporary occupancy. No temporary occupancy shall be granted for a period of more than six (6) months.

**E. Use Discontinued**

Whenever any building or portion thereof is being used or occupied contrary to the provisions of this chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within 10 days after receipt of the notice or make the building or portion thereof comply with the requirements of this chapter.

## **ARTICLE 15-5 GENERAL PROVISIONS**

### **15.5.1 LOT AREA**

#### **A. Reduction in Lot Area Prohibited**

No lot may be reduced in area below the minimum lot area as specified herein for the district in which the lot is located. However, all parts of a vacant lot may be attached to adjoining lots and the vacant lot may be eliminated.

#### **B. Yard Reduction or Joint Use Prohibited**

Except as hereinafter provided, no yard or other open space provided around any building or other structure for the purposes of complying with the provisions of these regulations shall be considered as providing yard or open space for any other building or structure, provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building or other structure is to be erected.

### **15.5.2 NUMBER OF BUILDINGS PER LOT**

#### **A. Principal Buildings**

There shall be no more than one principal building per lot except as follows:

1. More than one principal building may be permitted per lot in the R-3 district provided that all other requirements of that district are met.
2. More than one principal building may be permitted per lot in non-residential districts where all buildings on a lot constitute a unified industrial or commercial operation under one ownership provided all other requirements of that district are met.
3. More than one principal building per lot may be permitted on a lot which is part of a planned unit development district.

#### **B. Accessory Buildings**

Accessory buildings and structures are regulated under Article 15.9.

### **15.5.3 STREET ACCESS**

No building shall hereafter be constructed on a lot which does not front on a public street for a minimum of twenty (20) feet. This street shall serve to provide vehicular access, and/or sewer and water service for said lot if needed.

### **15.5.4 CLASSIFICATION OF STREETS**

For the purposes of this Code, all streets in the City of Fort Atkinson are hereby divided into the following classifications: 1) Principal arterials; 2) Minor arterials; 3) Collector streets; and 4) Minor streets.

### **15.5.5 INTERFERENCE WITH TRAFFIC SIGNALS**

In any district, no structure or tree shall protrude over the street, or be otherwise situated, so as to create confusion or otherwise interfere with traffic signs or signals.

#### **15.5.6 HEIGHT AND BULK LIMITED**

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building or other structure is located.

#### **15.5.7 BUILDING MAINTENANCE ON PRIVATE PROPERTY**

The following shall apply to all private property in the City of Fort Atkinson:

1. It is unlawful to retain a building or structure in violation of the adopted building and housing code.
2. It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.
3. All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance
4. If any owner, occupant, or agent fails to comply with these maintenance measures, and after notice given by the Building Inspector, has not within thirty (30) days of such notice complied, the City may cause such maintenance and the expenses thus incurred shall be a lien upon such real estate. The City Clerk shall certify a statement of the amount of the cost incurred by the City. Such amount shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

#### **15.5.8 FRONTAGE ON DOUBLE LOTS**

The minimum front yard shall be provided on each street in accordance with the Code.

#### **15.5.9 EXCAVATION OR REMOVAL OF SOIL**

##### **A. Permit Required**

1. Stripping, excavating or otherwise removing soil for sale or other purpose shall not be done without first obtaining a permit from the Building Inspector.
2. The Building Inspector shall issue the required permit only after being satisfied that the resulting change in grade in the affected area will not be against the best interests of the community.
3. The provisions of this section shall not be construed to prohibit excavations of grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this Code or for the legal excavation and removal of soil or gravel from land located in the M-2 Zoning District.

#### **15.5.10 STRIPPED TOPSOIL OR FILL**

Top soil shall not be stripped from a lot and placed on a pile, nor shall fill of any kind be placed on any lot and left for a period greater than six months unless same is leveled to make the surface suitable for mowing with a farm mower.

### **15.5.11 EXCEPTIONS AND MODIFICATIONS**

**A. Undersize Lots in Residential Districts**

Except as herein provided, in any residential district where the owner of a lot at the time of the adoption of this Code or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and/or frontage requirements of this Code, such lot may be used as a building site for a single family residence, provided that the minimum yard, setback, and floor area requirements for the district in which said lot is located are maintained.

**B. Preliminary Approval as of Date of Ordinance**

All plats of subdivisions which have received preliminary approval and lots of record on the effective date of the Ordinance must be developed in accordance with the use district in which they are located under this Ordinance, but may be developed in accordance with the lot area, lot width and yard setback requirements of the City of Fort Atkinson Zoning Ordinance dated March 16, 1993.

**C. Improvements to Non-conforming Buildings**

Any building which is non-conforming only because of lot area or yard requirements may be rebuilt, remodeled, expanded upon or enlarged provided that it meets the lot area or yard requirements of the City of Fort Atkinson Zoning Ordinance adopted April 18, 1967.

**D. Adjoining and Vacant Lots of Record**

Adjoining and vacant lots of record shall be considered a single lot or several lots of minimum permitted size, subject to the dimensional requirements of this Ordinance if the following conditions are met:

1. Two or more adjoining and vacant lots with continuous frontage are in single ownership at any time after adoption of this Ordinance.
2. Such lots individually have less width than is required for the district in which they are located.

**E. Front Yard Setback**

The setback requirements of this Ordinance for dwellings shall not apply to any lots where the average existing setback on lots located wholly or in part within one hundred (100) feet on each side of said lot, within the same block and zoning district, and fronting on the same side of the street as such lot, is less than the minimum setback required. In such cases, setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots or within ten (10) feet, whichever is greater.

**F. Exceptions to Height Limitations**

1. The height limitations of this Ordinance shall not apply to church spires, belfries, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, utility poles, chimneys, smoke stacks, conveyors, flag poles, masts and aerials, penthouses, standpipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances, provided their construction is in accordance with ordinances of the City of Fort Atkinson existing at the time of their creation.
2. In the thirty-five (35) and forty (40) foot height districts, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five (75) feet when the front, side, and rear yards are increased an additional foot for each foot such buildings exceed thirty-five (35) and forty (40) feet respectively in height.
3. One-family dwellings in the thirty-five (35) foot height districts may be increased by not more than five (5) feet when (2) side yards of not less than fifteen (15) feet each are provided. Such dwelling shall not exceed three (3) stories in height.

**G. Exceptions to Yard Requirements**

1. For the purposes of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot:
  - a. Attached single and multi-family dwellings
  - b. Row houses not more than one (1) dwelling unit deep
2. The front and side yard requirements for dwellings shall be waived where dwellings are erected above non-residential uses.
3. In the case of court apartments, side yards may be used as rear yards, provided that:
  - a. The required side yard shall be increased by one (1) foot for each entrance or exit opening into or served by such yard.
  - b. The width of the place or court shall not be less than three (3) times the width of the side yard as required in this provision, provided that open, unenclosed porches may project into the required place or court not more than twenty percent (20%) of the width of such place or court.
  - c. Where a roadway or driveway is provided in a place or court, the width for such roadway shall be in addition to the required width above.
  - d. All other requirements, including front, side and rear yards shall be complied with in accordance with the district in which such court apartment are located.
4. In computing the depth of a rear yard for any building where such yard opens on an alley, one-half (1/2) of such alley may be assumed to be a portion of the rear yard.
5. Every foot of a yard or court shall be open from its lowest point to the sky unobstructed, except for architectural projections such as sills, belt

courses, cornices, bay windows, air conditioners, buttresses, ornamental features and eaves, provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum front, rear or side yard more than twenty-four (24) inches.

6. No cornices shall project over the right-of-way line by more than two percent (2%) of the width of such right-of-way and shall in no case project more than one (1) foot.
7. Open fire escapes and balconies projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3-1/2) feet and the ordinary projection of chimneys and flues may be permitted by the Building Inspector where the same are so placed as not to obstruct the light and ventilation.
8. Uncovered stairs, stoops, landings and handicap ramps may project into any yard, but not to exceed five (5) feet and be not closer than three (3) feet to any lot line unless otherwise required by the Building Code or ADA regulations.
9. Accessory uses shall be located in yards as specified in Article 15-9 of this Ordinance.

#### **15.5.12 ZONING OF ANNEXED AREAS**

The permanent zoning classification for any annexed area shall be established by zoning amendment at the time of annexation.

## **ARTICLE 15-6 DISTRICT REGULATIONS**

### **15.6.1 ESTABLISHMENT OF DISTRICTS**

The City of Fort Atkinson is hereby divided into ten (10) zoning districts and one (1) overlay district in order to regulate the following:

1. The location of businesses, industries, residences and other uses
2. The location of buildings designed, erected, altered or occupied for specific purposes
3. The height and size of buildings hereafter erected or altered
4. The area of yards and other open spaces
5. The density of population

The ten (10) districts and one (1) overlay district are as follows:

1. R-1 Single-Family Residential District
2. R-2 Two-Family Residential District
3. R-3 Multi-Family Residential District
4. C-1 Service Business District
5. C-2 Central Business District
6. C-3 General Commercial District
7. C-4 Restricted Commercial District
8. C-5 Downtown Business District
9. M-1 Light Industrial District
10. M-2 Heavy Industrial District
11. PDD Planned Development District (Overlay)

### **15.6.2 USES RESTRICTED TO THOSE PERMITTED IN DISTRICTS**

Except as hereinafter provided, no building or other structure shall hereafter be erected, reconstructed, or structurally altered, nor shall any building or other structure or land be used hereafter for any purpose other than is permitted in the district in which such building or other structure or land is located.

### **15.6.3 BOUNDARIES OF DISTRICTS**

Where uncertainty exists with respect to the boundaries of the various districts as shown upon the Zoning Map, the following rules shall apply:

1. The district boundaries are the centerlines of streets and alleys unless otherwise shown, and where the district designated on the maps is bounded approximately by streets or alley lines, said street or alley centerline shall be construed to be the boundary of such district unless otherwise indicated by graphic patterns depicted on the map.
2. 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 designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map. Where district lines are fixed by dimensions, individual owners of lots

split by such district lines will be permitted a tolerance of twenty-five (25) feet in the use of said lots.

3. Unless otherwise clearly defined by streets, alleys, lots, drainage courses or other definite means, the district boundary lines on the map shall be determined by use of the scale contained on such map or graphic patterns depicted on the map.
4. Wetland District boundaries as drawn are intended to represent the edges of ponds, lakes, streams, rivers, swamp, marsh or other lands defined by Wisconsin DNR as wetlands, and shall be finally determined by a representative of the Wisconsin DNR where specific questions arise.
5. Floodplain district boundaries are intended to represent areas subject to flooding as determined through the use of flood insurance profiles and maps published by the Federal Emergency Management Agency (FEMA).

#### **15.6.4 PROVISIONS OF OFFICIAL ZONING MAP**

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this Ordinance.

**A. Map Certified**

The Official Zoning Map shall be identified by the signature of the City Manager, attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map adopted as part of Ordinance No. 405 of the City of Fort Atkinson on March 16, 1993, and as hereafter amended."

**B. Location of Map**

The Official Zoning Map shall be in the custody of, and shall remain on file in the office of the Zoning Administrator or City Engineer.

**C. Public Inspection of Map**

The Official Zoning Map shall be available for public inspection as provided by law for all matters which are of public record.

### **15.6.5 AMENDMENT OF OFFICIAL ZONING MAP**

When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Common Council, with an addendum to the Official Zoning Map as follows: "On (insert date) by official action of the Common Council, the following change (changes) were made in the Official Zoning Map; (brief description of nature of change)", which entry shall be signed by the City Manager and attested by the City Clerk. No amendment to this Chapter which involves matters portrayed on the Official Zoning Map shall become effective until after such change and addendum thereto has been made to said Map.

### **15.6.6 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Common Council may pass a resolution to adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereto. The new Official Zoning Map shall be identified by bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. 405 of the City of Fort Atkinson, Wisconsin".

### **15.6.7 CHANGES AND AMENDMENTS**

#### **A. Authority**

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

#### **B. Initiation**

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

#### **C. Petitions**

1. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk. The petition shall describe the premises to be zoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
2. Plot plan drawn to scale showing the area proposed to be rezoned, its location, its dimensions, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned, exclusive of street rights of way.
3. Any additional information required by the Plan Commission or the Council.

**D. Recommendations**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made in writing to the Council.

**E. Hearings**

The Council shall hold a public hearing upon each recommendation and shall give notice, as specified in Section 15.3.5 of this Code.

**F. Council Action**

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

**G. Protest**

In the event of a protest against such district change or amendment to the regulations of this Code, duly signed and acknowledged either by the owners of 20% or more of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent to the land included in the proposed change, or by the owners of 20% or more of land extending 100 feet from the street frontage of such opposite land, such a change or amendment shall not become effective except by the favorable vote of 3/4 of the full Council.

#### **15.6.8 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**A. Statement of Intent**

The R-1 District covers an extensive portion of the City of Fort Atkinson including developed, more recently developed, developing and even undeveloped areas. The R-1 District is intended to accommodate areas in which the predominant use is, or shall be, one-family detached dwellings on a wide range of lot sizes, promote a suitable environment for family life and provide for orderly development or redevelopment to meet the demand for such uses.

**B. Permitted Uses**

1. One-family dwellings
2. Home occupations subject to the provisions of 15.8.6 (B)
3. Libraries, museums, parks, playgrounds and buildings operated on a non-commercial basis for recreation purposes only
4. Private greenhouses and gardens as incidental uses on a non-commercial basis

**C. Conditional Uses**

1. Adult family homes, C.B.R.F.s or other community living arrangements serving up to fifteen (15) people subject to the provisions of 15.8.6(C) of this Ordinance
2. Bed and Breakfast facilities
3. Churches and other places of worship
4. Day Care Centers
5. Family Day Care Homes
6. Fire Stations
7. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs

8. Hospitals
9. Nursery Schools
10. Nursing homes subject to the provisions of 15.8.6(D)
11. Parking and storage of emergency vehicles
12. Public, private and parochial schools

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	75 feet
Minimum lot area	8250 square feet
Maximum Lot coverage (all structures)	35%
Minimum Green Space	30%
Maximum Impervious Surface	70%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area one-family dwelling	1000 square feet
Minimum front yard setback (minor street)	25 feet
Minimum front yard setback (all other streets)	30 feet
Minimum rear yard setback	20 feet
Minimum side yard setbacks on lots:	
-Platted prior to March 16, 1993	6 feet / Aggregate total of 14 feet
-Platted since that date	8 feet / Aggregate total of 16 feet
Minimum setback street side yard	15 feet
Maximum height	35 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Accessory buildings are not allowed in any front yard in the R-1 district.	
Minimum side yard setback	3 feet
Minimum street side yard setback	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

## **15.6.9 R-2 TWO-FAMILY RESIDENTIAL DISTRICT**

### **A. Statement of Intent**

The R-2 Two Family Residential District consists primarily of one-family and two-family dwelling units. This district is primarily clustered adjacent, or near, the City's traditional central business areas with other clusters on the City's northwest side and near the industrial parks on the City's south side. The R-2 District is intended to accommodate the predominant one-family and two-family residential uses, provide adequate minimum standards for the conversion from one-family residential to two-family residential use, promote a suitable environment for family life and provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. One-family dwellings
2. Two-family dwellings
3. Condominiums, one- and two-family only
4. Home occupations subject to the provisions of 15.8.6 (B)
5. Libraries, museums, parks, playgrounds and buildings operated on a non-commercial basis for recreation purposes only
6. Private greenhouses and gardens as incidental uses on a non-commercial basis

### **C. Conditional Uses**

1. Adult family homes, C.B.R.F.s or other community living arrangements facilities serving up to fifteen (15) people, subject to the provisions of Section 15.8.6(C) of this ordinance
2. Bed and Breakfast facilities
3. Churches and other places of worship
4. Day Care Centers
5. Family Day Care Homes
6. Fire Stations
7. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs
8. Hospitals
9. Nursery schools
10. Nursing homes subject to the provisions of 15.8.6(D)
11. Parking and storage of emergency vehicles
12. Public, private and parochial schools
13. Attached single family dwelling

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	75 feet
Minimum lot area	10,000 square feet
Maximum Lot Coverage (all structures)	35%
Minimum Green Space	30%
Maximum Impervious Surface	70%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area per dwelling unit	700 square feet
Minimum front yard setback (minor street)	25 feet
Minimum front yard setback (all other streets)	30 feet
Minimum rear yard setback	20 feet
Minimum side yard setback on lots:	
-Platted prior to March 16, 1993	6 feet / Aggregate total of 14 feet
-Platted since that date	8 feet / Aggregate total of 16 feet
Minimum side yard setback	0 feet where 0 lot line granted
Minimum setback on street side yard	15 feet
Maximum height	40 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Accessory buildings are not allowed in any front yard in the R-2 district.	
Minimum side yard setback	3 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

## **15.6.10 R-3 MULTI-FAMILY RESIDENTIAL AND OFFICE DISTRICT**

### **A. Statement of Intent**

The R-3 Multi-Family Residential and Office District is located in areas close to the City's traditional central business areas, along major streets or in close proximity to commercially or industrially developed areas. The R-3 District is intended to accommodate predominant multi-family residential uses and professional business uses and provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. One-family dwellings
2. Two-family dwellings
3. Multi-Family rental apartments
4. Two-family condominiums
5. Accessory buildings and uses customarily incident to any of the permitted uses, when located on the same lot and not involving the conduct of business
6. Home occupations subject to the provisions of 15.8.6(B)
7. Museums, libraries, parks, playgrounds and buildings operated on a non-commercial basis for recreation purposes only
8. Private greenhouses and gardens as incidental uses on a non-commercial basis

### **C. Conditional Uses**

1. Multi-family condominiums
2. Adult family homes, C.B.R.F.s or other community living arrangement facilities subject to the provisions of Section 15.8.6 (C) of this Ordinance
3. Bed and Breakfast facilities
4. Business offices
5. Churches and other religious institutions
6. Dance studios
7. Day care centers
8. Family Day Care Homes
9. Fire Stations
10. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs
11. Hospitals
12. Health, dental, vision, or similar clinics, except veterinary hospitals and clinics
13. Institutions of an educational, philanthropic, or charitable nature, other than those of a correctional nature
14. Nursery Schools
15. Nursing homes subject to the provisions of 15.8.6 (D)
16. Parking and storage of emergency vehicles
17. Public or private clubs, lodges, YMCA, YWCA, Boy Scouts, Girl Scouts, fraternities, sororities, and other similar groups
18. Public, private, or parochial schools
19. Attached single family dwelling

20. Attached multi-family dwelling

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	80 feet
Minimum area	12,000 square feet
Maximum Lot Coverage (all structures)	35%
Minimum Green Space	30%
Maximum Impervious Surface	70%
Maximum residential density	1 unit per 3000 sq. ft. developable area

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area:	
- Single family (per dwelling unit)	1000 square feet
- Two-family (per dwelling unit)	700 square feet
- Multi-family (per dwelling unit)	400 square feet
Minimum front yard setback (minor street)	25 feet
Minimum front yard setback (all other streets)	30 feet
Minimum rear yard setback (two or multi-family)	20 feet
Minimum rear yard setback (single family)	30 feet
Minimum side yard:	
-On lots plotted after March 17, 1998	10 feet/20 feet
aggregate total	
-On lots platted between 3/16/1993 and 3/17/1998	8 feet/16 feet
aggregate total	
-On lots platted prior to March 16, 1993	6 feet/14 feet
aggregate total	
Minimum side yard setback	0 feet where 0 lot line granted
Minimum setback street side yard on corner lots	15 feet
Maximum height	40 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Accessory buildings are not allowed in any front yard in the R-3 district	
Minimum side yard setback	3 feet
Minimum setback street side yard on corner lots	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

## **15.6.11 C-1 SERVICE BUSINESS DISTRICT**

### **A. Statement of Intent**

The C-1 Service Business District is a highway-oriented commercial district intended to accommodate local, convenience shopping and eating and drinking establishments for motorists on major avenues and highways and to provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. Accessory buildings and uses customarily incidental to any of the permitted uses, when located on the same lot
2. Adult family homes, C.B.R.F.s or other community living arrangement facilities subject to the provisions of Section 15.8.6(C) of this Ordinance
3. Appliance, radio, television and other electronics sales outlets and services including incidental repairing
4. Automotive uses including automotive sales, showrooms, service shops, body shops, automotive parts sales stores, and retail auto tire sales, providing, however, that all vehicles be in operative condition
5. Bakery shops
6. Banks and other financial institutions including loan and finance companies
7. Business, technical, and trade schools
8. Carpet cleaning and fumigating services
9. Commercial recreation centers such as for bowling, miniature golf, roller skating
10. Computer sales and service
11. Copy or printing shops
12. Dance studios
13. Day Care Centers
14. Department stores
15. Drug stores and pharmacies
16. Employment and staffing agencies
17. Furniture stores and furniture repair shops
18. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores, and any other similar use
19. Home occupations subject to the provisions of Section 15.8.6 (B) of this Ordinance
20. Hospitals
21. Institutions of an educational, philanthropic, or charitable nature, other than those of a correctional nature
22. Motorcycle sales and service
23. Museums, libraries, parks and playgrounds
24. Nursery Schools
25. Nurseries or garden stores
26. Parking facilities in accordance with Section 15.10.1 of this Ordinance
27. Parking and storage of emergency vehicles
28. Personal services including beauty shops, manicurists, salons and barber shops

29. Public or private clubs, lodges, YMCA, YWCA, Boy Scouts, Girl Scouts, fraternities, sororities, and other similar groups
30. Professional offices
31. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios, shoe repair shops, and any other similar uses
32. Recreational establishments operated for profit or otherwise
33. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
34. Retail food stores and convenience stores
35. Specialty retail establishments including antique shops, garden stores, gift shops, florist shops, hardware stores, hobby shops, shoe stores, jewelry stores, paint stores (retail or wholesale), marine supplies and sales, and any other similar uses
36. Stores or shops for custom work in the making of articles, major portion of which are to be sold at retail on the premises, and employing not more than five (5) persons
37. Taverns, with permit by Common Council to operate
38. Theaters
39. Tourist homes, Bed and Breakfast facilities
40. Videocassette, video game, and DVD rental and sales
41. Wholesale sales offices and sample rooms
42. Woodworking shops

**C. Conditional Uses**

1. Any permitted establishment exceeding 20,000 square feet in area
2. One-family dwellings
3. Two-family dwellings
4. Multi-Family rental apartments and condominiums
5. Residential units above the first floor in mixed use buildings
6. Adult establishments subject to the provisions of Section 15.8.5(A) of this Ordinance
7. Bus terminals
8. Churches and other religious institutions
9. Family day care
10. Fire stations
11. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs
12. Nursing homes subject to the provisions of Section 15.8.6 (D) of this Ordinance
13. Public, private, or parochial schools
14. Recycling pick-up/drop-off facilities not including processing or long-term storage of materials

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	20 feet
Minimum area	3,000 square feet
Maximum lot coverage (all structures)	40%
Minimum Green Space	20%
Maximum Impervious Surface	80%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area for dwelling units	400 square feet
Minimum front yard setback (minor street)	25 feet
Minimum front yard setback (major street)	30 feet
Minimum rear yard setback	10 feet
Minimum side yard setback	10 feet/30 feet aggregate total
Minimum setback on street side yard	15 feet
Maximum height	25 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Minimum front yard setback is the same as the principal building	
Minimum side yard setback	3 feet
Minimum setback on street side yard	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

## **15.6.12 C-2 CENTRAL BUSINESS DISTRICT**

### **A. Statement of Intent**

The C-2 Central Business District is adjacent to, and essentially surrounds, the C-5 Downtown Business District. The C-2 District is intended to accommodate a mix of central shopping area retail, eating and drinking, service and professional business uses adjacent to the downtown area on generally larger lots and somewhat larger buildings. C-2 uses are generally more automobile-dependent than the uses accommodated in the C-5 District. It is intended that the C-2 District will provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. Accessory buildings and uses customarily incidental to any of the permitted uses, when located on the same lot
2. Adult family homes, C.B.R.F.s or other community living arrangement facilities subject to the provisions of Section 15.8.6(C) of this Ordinance
3. Appliance, radio, television and other electronics sales outlets and services including incidental repairing
4. Automotive uses including automotive sales, showrooms, service shops, body shops, automotive parts sales stores, and retail auto tire sales, providing, however, that all vehicles be in operative condition
5. Bakery shops
6. Banks and other financial institutions including loan and finance companies
7. Bus terminals
8. Business and professional offices including insurance agencies
9. Business, technical, and trade schools
10. Carpet cleaning and fumigating services
11. Clubs, lodges, YMCA, YWCA, Boy Scouts, and other similar groups
12. Commercial recreation centers such as for bowling, miniature golf, roller skating operating for profit or otherwise
13. Computer sales and service
14. Dance studios
15. Day Care Centers
16. Department stores
17. Drug stores and pharmacies
18. Employment and staffing agencies
19. Furniture stores, wholesale and retail
20. Gasoline service stations
21. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores, and other similar uses
22. Home occupations subject to the provisions of Section 15.8.6 (B) of this Ordinance
23. Hospitals
24. Hotels, motels and bed and breakfast facilities
25. Institutions of an educational, philanthropic, or charitable nature, other than those of a correctional nature

26. Libraries and other public buildings
27. Motorcycle sales and service
28. Multiple family developments
29. Museums, libraries, parks and playgrounds
30. Nursery Schools
31. Nurseries or garden stores
32. Parking and storage of emergency vehicles
33. Parking facilities in accordance with Section 15.10.1 of this Ordinance
34. Personal services including beauty shops manicurists, salons and barber shops
35. Professional offices
36. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios, shoe repair shops, printing or copy shops, and any other similar uses
37. Public or private clubs, lodges, YMCA, YWCA, Boy Scouts, Girl Scouts, fraternities, sororities, and other similar groups
38. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
39. Retail food stores and convenience stores
40. Small animal hospitals, not including outdoor kennels
41. Specialty retail establishments including antique shops, garden stores, gift shops, florist shops, hardware stores, hobby shops, shoe stores, jewelry stores, paint stores (wholesale and retail), marine supplies and sales, and any other similar uses
42. Stores or shops for custom work in the making of articles, major portion of which are to be sold at retail on the premises
43. Taverns, with permit by Common Council to operate
44. Theaters
45. Tourist homes, Bed and Breakfast facilities
46. Videocassette, video game, and DVD rental and sales
47. Wholesale and retail furniture stores and furniture repair shops
48. Wholesale sales offices and sample rooms
49. Woodworking shops

**C. Conditional Uses**

1. Any permitted establishments exceeding 20,000 square feet
2. Single-family residential dwelling units
3. Two-family residential dwelling units
4. Multi-family rental apartments and condominiums
5. Residential units above the first floor in mixed use buildings
6. Car washes
7. Churches
8. Family day care
9. Fire stations
10. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs
11. Nursing homes subject to the provisions of 15.8.6 (D)
12. Pet shops and pet grooming establishments
13. Public, private, and parochial schools
14. Recycling pick-up/drop-off facilities not including processing of long-term storage of materials

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
3. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	60 feet (07/06)
Minimum lot area	3,000 square feet
Maximum lot coverage (all structures)	50% (07/06)

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area floor area per unit	400 square feet
Minimum front yard setback (minor street)	10 feet
Minimum front yard setback (major street)	10 feet
Minimum rear yard setback	10 feet
Minimum side yard setback	10 feet (07/06)
Minimum setback on street side yard	10 feet
Maximum height	40 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Minimum front yard setback is the same as the principal building	
Minimum side yard setback	3 feet
Minimum setback on street side yard	10 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

### **15.6.13 C-3 GENERAL COMMERCIAL DISTRICT**

#### **A. Statement of Intent**

The C-3 General Commercial District is intended to accommodate necessary economic functions which, because of their scale, intensity, access requirements and employment generation, are generally incompatible with the uses permitted in the C-1, C-2, C-4 and C-5 Districts. It is intended that the C-3 District will provide for orderly development or redevelopment to meet the demand for such uses.

#### **B. Permitted Uses**

1. Adult family homes, C.B.R.F.s or other community living arrangement facilities subject to the provisions of 15.8.6(C) of this Ordinance
2. Accessory buildings and uses customarily incident to any of the permitted uses, when located on the same lot
3. Appliance, radio, television and other electronics sales outlets and services including incidental repairing
4. Assembling and packaging products
5. Automotive uses including automotive sales, showrooms, service shops, body shops, automotive parts sales stores, and retail auto tire sales, providing, however, that all vehicles be in operative condition
6. Bakery shops
7. Banks and other financial institutions including loan and finance companies
8. Bed and Breakfast facilities
9. Bottling works
10. Bus terminals
11. Business and professional offices including insurance agencies
12. Business, technical, and trade schools
13. Candy factories
14. Carpet cleaning and fumigating services
15. Commercial recreation centers such as for bowling, miniature golf, roller skating operating for profit or otherwise
16. Computer sales and service
17. Construction equipment sales, repair, and storage, including contractor's yards, but not including concrete or asphalt batch plants
18. Creameries
19. Dance studios
20. Day Care Centers
21. Department stores
22. Drug stores and pharmacies
23. Employment and staffing agencies
24. Farm equipment sales, repair and storage
25. Furniture stores, wholesale and retail
26. Gasoline service stations
27. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores
28. Hotels and motels

29. Ice cream manufacturing
30. Incidental residences for the owner, watchman or caretaker employed on the premises
31. Institutions of an educational, philanthropic, or charitable nature, other than those of a correctional nature
32. Libraries and other public buildings
33. Lumber yards
34. Milk distributing stations
35. Monument works
36. Motorcycle sales and service
37. Museums, libraries, parks and playgrounds
38. Nursery Schools
39. Nurseries or garden stores
40. Parking facilities in accordance with Section 15.10.1 of this Ordinance
41. Personal services including beauty shops manicurists, salons and barber shops
42. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios, shoe repair shops, printing or copy shops, and any other similar uses
43. Public or private clubs, lodges, YMCA, YWCA, Boy Scouts, Girl Scouts, fraternities, sororities, and other similar groups
44. Receiving and shipping articles and products to be stored or assembled and packaged
45. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
46. Retail food stores and convenience stores
47. Small animal hospitals, not including outdoor kennels
48. Specialty retail establishments including antique shops, garden stores, gift shops, florist shops, hardware stores, hobby shops, shoe stores, jewelry stores, paint stores (wholesale and retail), marine supplies and sales and any other similar uses
49. Stores or shops for custom work in the making of articles, major portion of which are to be sold at retail on the premises
50. Taverns, with permit by Common Council to operate
51. Theaters
52. Upholstery manufacture
53. Videocassette, video game, and DVD rental and sales
54. Warehouse for inside storage only
55. Wholesale and retail furniture stores and furniture repair shops
56. Wholesale sales offices and sample rooms
57. Woodworking shops

**C. Conditional Uses**

1. Any permitted establishment exceeding 20,000 square feet
2. Single-family residential dwelling units
3. Two-family residential dwelling units
4. Multi-family rental apartments and condominiums
5. Residential units above the first floor in mixed use buildings
6. Adult establishments subject to the provisions of Section 15.8.5(A) of this Ordinance
7. Car washes
8. Churches
9. Cold storage plants
10. Family day care
11. Fire stations
12. Golf courses (not including golf driving ranges or miniature golf courses), swimming clubs, tennis clubs, or other similar recreational clubs
13. Motor freight terminals
14. Nursing homes subject to the provisions of 15.8.6 (D)
15. Pet shops and pet grooming establishments
16. Public, private, and parochial schools
17. Recycling pick-up/drop-off facilities not including processing of long term storage of materials

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	60 feet
Minimum lot area	5,000 square feet
Maximum lot coverage (all structures)	50%
Minimum Green Space	20%
Maximum Impervious Surface	80%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area per dwelling unit	900 square feet
Minimum front yard setback (minor street)	10 feet
Minimum front yard setback (all other streets)	10 feet
Minimum rear yard setback	10 feet
Minimum side yard setback	6 feet/14 feet aggregate total
Minimum setback on street side yard	10 feet
Maximum height	40 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Minimum front yard setback is the same as the principal building

Minimum side yard setback 3 feet

Minimum setback on street side yard 10 feet

Minimum rear yard setback 3 feet

Maximum height 20 feet

#### **15.6.14 C-4 RESTRICTED COMMERCIAL DISTRICT**

**A. Statement of Intent**

The C-4 Restricted Commercial District is intended to accommodate those necessary economic functions that are incompatible with the uses and intent of the C-1, C-2, C-3 and C-5 Districts but are more compatible with neighboring residential uses than the uses permitted in those districts. It is intended that the C-4 District will provide for orderly development or redevelopment to meet the demand for such uses.

**B. Permitted Uses**

1. Assembling and packaging products, but not cooking or any uses which would create odors, or noises, incompatible with any adjoining residential district
2. Inside storage, including cold storage plants
3. Museums, libraries, parks, playgrounds, and other public uses
4. Receiving and shipping articles and products to be stored or assembled and packaged
5. Home occupations subject to the provisions of 15.8.6 (B)

**C. Conditional Uses**

1. Single-family residential dwelling units
2. Two-family residential dwelling units
3. Multi-family apartments
4. Condominiums, one-, two- and multi-family

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. With the exception of single-family and two-family dwellings, exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. With the exception of single-family and two-family dwellings, provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum width	60 feet
Minimum lot area	7,200 square feet
Maximum lot coverage (all structures)	40%
Minimum Green Space	30%
Maximum Impervious Surface	70%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area per dwelling	900 square feet
Minimum front yard setback (minor street)	25 feet
Minimum front yard setback (major street)	25 feet
Minimum rear yard setback	20 feet
Minimum side yard	10 feet/ 25 feet aggregate total
Minimum setback on street side yard	15 feet
Maximum height	35 feet

**G. Setbacks & Height Restrictions - Accessory buildings**

Minimum front yard setback is the same as the principal building	
Minimum side yard setback	3 feet
Minimum setback on street side yard	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

**H. The following described property, presently zoned M-1 in part and R-1 in part, is zoned on the zoning map as C-4:**

Lots 59, 60, 61, 62, 63, 64 and 65 and also the vacated part of Harriette St., west of Wilson Avenue, Snover's Prospect Heights Addition, such vacated part lying between said Lots 61 and 62 on one side and 63, 64 and 65 on the other side.

## **15.6.15 C-5 DOWNTOWN BUSINESS DISTRICT**

### **A. Statement of Intent**

The C-5 Downtown Business District is located in the area on both sides of the Rock River roughly bordered by Sherman Avenue, South Third Street, Grant Street and Merchants Avenue. This is the heart of the City of Fort Atkinson, its traditional, historic downtown area. The C-5 District is intended to accommodate traditional, less automobile-dependent, downtown retail, eating and drinking, professional office and service uses at a smaller scale, but with potentially greater lot coverage, than encouraged in the other commercial districts. It is intended that the C-5 District will provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted uses**

1. Accessory buildings and uses customarily incident to any of the permitted uses, when located on the same lot
2. Adult family homes, C.B.R.F.s or other community living arrangement facilities subject to the provisions of 15.8.6(C) of this Ordinance
3. Appliance, radio, television and other electronics sales outlets and services including incidental repairing
4. Automotive uses including automotive sales, showrooms, service shops, body shops, automotive parts sales stores, and retail auto tire sales, providing, however, that all vehicles be in operative condition
5. Bakery shops
6. Banks and other financial institutions including loan and finance companies
7. Bus terminals
8. Business and professional offices including insurance agencies
9. Business, technical, and trade schools
10. Clubs, lodges, YMCA, YWCA, Boy Scouts, and other similar groups
11. Commercial recreation centers such as for bowling, miniature golf, roller skating operating for profit or otherwise
12. Computer sales and service
13. Dance studios
14. Day Care Centers
15. Department stores
16. Computer sales and service
17. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
18. Drug stores and pharmacies
19. Furniture stores, wholesale and retail
20. Gasoline service stations
21. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores
22. Home occupations subject to the provisions of 15.8.6 (B)
23. Hospitals
24. Hotels, motels and bed and breakfast facilities

25. Institutions of an educational, philanthropic, or charitable nature, other than those of a correctional nature
26. Libraries and other public buildings
27. Motorcycle sales and service
28. Museums, libraries, parks and playgrounds
29. Nursery schools
30. Nurseries or garden stores
31. Parking facilities in accordance with Section 15.10.1 of this Ordinance
32. Personal services including beauty shops manicurists, salons and barber shops
33. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios. shoe repair shops, printing or copy shops, and any other similar uses
34. Retail food stores and convenience stores
35. Small animal hospitals, not including outdoor kennels
36. Specialty retail establishments including antique shops, garden stores, gift shops, florist shops, hardware stores, hobby shops, shoe stores, jewelry stores, paint stores (wholesale and retail), marine supplies and sales and any other similar uses
37. Stores or shops for custom work in the making of articles, major portion of which are to be sold at retail on the premises
38. Taverns, with permit by Common Council to operate
39. Theaters
40. Tourist homes, Bed and Breakfast facilities
41. Videocassette, video game, and DVD rental and sales
42. Wholesale and retail furniture stores and furniture repair shops
43. Wholesale sales offices and sample rooms
44. Woodworking shops

**C. Conditional Uses**

1. Any permitted establishment exceeding 20,000 square feet in area
2. Multi-family rental apartments and condominiums
3. Residential units above the first floor in mixed use buildings
4. Public, private, and parochial schools
5. Churches and other religious institutions
6. Fire stations
7. Family day care
8. Nursing homes subject to the provisions of Section 15.8.6 (D)

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
3. Provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	20 feet
Minimum lot area	3,000 square feet
Maximum lot coverage (all structures)	90%

**F. Setbacks, Size & Height Restrictions – Principal Building**

Minimum floor area per dwelling unit	800 square feet
Minimum front yard setback (minor street)	None
Minimum front yard setback (major street)	None
Minimum rear yard setback	None
Minimum side yard setback	None
Minimum setback on street side yard	None
Maximum height	40 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

Minimum front yard setback	10 feet
Maximum height	20 feet

## **15.6.16 M-1 LIGHT INDUSTRIAL DISTRICT**

### **A. Statement of Intent**

The M-1 Light Industrial District lands are primarily located along major streets and avenues in close proximity to the M-2 Heavy Industrial District. The M-1 District is intended to accommodate industrial and manufacturing uses that are relatively clean, quiet and free of hazardous or objectionable impacts such as noise, odor, smoke, dust or glare and that do not generate large amounts of industrial and truck traffic. It is intended that the M-1 District will provide for orderly development or redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. Assembling and packaging products, but not cooking or any uses which would create odors, or noises, incompatible with any adjoining residential district.
2. Automobile sales lots and showrooms
3. Automobile service and repairs
4. Bakeries
5. Beverage plants
6. Bottling works
7. Building material sales yards
8. Bus terminals
9. Cabinet and woodworking shops
10. Candy factories
11. Cemetery monument production and sales
12. Cereal mills
13. Construction equipment sales, repair, and storage
14. Cold storage
15. Electrical repair shops, including motors and armature rewinding shops
16. Farm equipment sales, repair, and storage
17. Food processing
18. Grain elevators
19. Grain manufacturing
20. Inside storage, including cold storage plants
21. Laboratories for industrial, testing, and research purposes
22. Light and power plants
23. Livestock yards
24. Lumber yards and building material sales yards

25. Manufacture of:
  - a. Beauty and barber shop equipment
  - b. Electrical machinery, equipment and supplies
  - c. Fountain and beverage dispensing equipment
  - d. Furniture
  - e. Instruments for professional, scientific, photographic, optical, and similar uses
  - f. Plywood, millwork, and similar wood products
  - g. Textiles and upholstery leather products, (not including the tanning of hides and leather)
  - h. Small items (such as toys, clocks, jewelry, fountain pens, pencils, and plastic products)
26. Milk distributing stations
27. Monument works
28. Motor freight terminals
29. Motors and armature rewinding shops
30. Nurseries and greenhouses
31. Power plants
32. Receiving and shipping articles and products to be stored or assembled and packaged
33. Recycling pick-up/drop-off facilities not including processing of materials

**C. Conditional Uses**

1. Automotive uses including automotive, service, and body shops, automotive parts sales stores, retail auto tire sales, gasoline service stations including auto repair, motorcycle sales lots and showrooms including incidental services and repair, providing, however, that all vehicles be in operative condition
2. Business, technical, and trade schools
3. Car washes
4. Computer sales and service
5. Department stores
6. Dry cleaning
7. Garden stores
8. Electronics sales outlets
9. Employment and staffing agencies
10. Fire stations
11. Food stores (retail only)
12. Furniture stores (wholesale and retail)
13. Hardware stores
14. Hotels and motels
15. Material recycling facilities
16. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores
17. Marine supplies and sales
18. Manufacture of plywood, millwork and similar wood products
19. Motorcycle sales and services
20. Museums libraries, parks, playgrounds and other public buildings
21. Paint stores
22. Printing shops
23. Parking and storage of emergency vehicles
24. Plumbing sales outlets and services
25. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios, shoe repair shops, printing or copy shops, and any other similar uses
26. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
27. Scrap processing or businesses that on a fixed location, stores, processes and manufactures through the utilization of machinery and equipment, iron, steel, non-ferrous metals and other scrap into prepared grades, with no outside storage
28. Stores or shops for custom work in the making of articles
29. Theatres
30. Wastewater treatment plants
31. Wholesale sales offices
32. Woodworking shops

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. Exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. Provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	60 feet
Minimum lot area	5,000 square feet
Maximum lot coverage (all structures)	50%
Minimum Green Space	20%
Maximum Impervious Surface	80%

**F. Setbacks & Height Restrictions – Principal Building**

Minimum front yard setback (minor street)	10 feet
Minimum front yard setback (major street)	10 feet
Minimum rear yard setback	10 feet
Minimum side yard setback	10 feet/25 feet aggregate total
Minimum setback on street side yard	10 feet
Maximum height	65 feet

**G. Setbacks & Height Restrictions - Accessory buildings**

Minimum front yard setback is the same as the principal building	
Minimum side yard setback	3 feet
Minimum setback street side yard on corner lots	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

## **15.6.17 M-2 HEAVY INDUSTRIAL DISTRICT**

### **A. Statement of Intent**

The M-2 Heavy Industrial District is intended to accommodate uses that are not otherwise provided for in other districts and which, because of their intensive, predominantly industrial nature, access needs, employment generation and automobile and truck traffic generation, are generally not compatible with most residential, commercial and institutional uses. It is intended that the M-2 District will provide for orderly development and redevelopment to meet the demand for such uses.

### **B. Permitted Uses**

1. Assembling and packaging products, but not cooking or any uses which would create odors, or noises, incompatible with any adjoining residential district
2. Automobile service and repairs
3. Bakeries
4. Beverage plants
5. Bottling works
6. Building materials sales yards
7. Cabinet and woodworking shops
8. Candy factories
9. Canning factories
10. Construction equipment sales, repair, and storage
11. Cemetery monument production and sales
12. Cereal mills
13. Electrical repair shops, including motors and armature rewinding shops
14. Farm equipment sales, repair, and storage
15. Food processing
16. Grain manufacturing
17. Grain elevators
18. Inside storage, including cold storage
19. Laboratories for industrial, testing, and research purposes
20. Light and power plants
21. Livestock yards
22. Lumber yards and building material sales yards

23. Manufacture of:
  - a. Furniture
  - b. Plywood, millwork, and similar wood products
  - c. Rubber products
  - d. Metal fabricated products
  - e. Flour and feeds
  - f. Instruments for professional, scientific, photographic, optical, and similar uses
  - g. Beauty and barber shop equipment
  - h. Electrical machinery, equipment and supplies
  - i. Fountain and beverage dispensing equipment
  - j. Leather products, but not including the tanning of hides and leather
  - k. Small items, such as toys, clocks, jewelry, fountain pens, pencils, and plastic products
  - l. Textiles
  - m. Upholstery
24. Metal fabrication
25. Monument works
26. Motors and armature rewinding shops
27. Milk distributing stations
28. Motor freight terminals
29. Petroleum storage
30. Power plants
31. Receiving and shipping articles and products to be stored or assembled and packaged
32. Recycling pick-up/drop-off facilities not including processing of materials
33. Wastewater treatment plants

**C. Conditional Uses**

1. Automotive uses including automotive, service, and body shops, automotive parts sales stores, retail auto tire sales, gasoline service stations including auto repair, motorcycle sales lots and showrooms including incidental services and repair, providing, however, that all vehicles be in operative condition
2. Business, technical, and trade schools
3. Car washes
4. Carpet cleaning and fumigating
5. Chemical plants, except acid manufacturing plants
6. Computer sales and service
7. Concrete and asphalt batching plants
8. Department stores
9. Dry cleaning establishments
10. Employment or staffing agencies
11. Electronics sales outlets
12. Fat rendering
13. Fire stations
14. Food stores (retail only)
15. Furniture stores (wholesale and retail)
16. Garden stores
17. Hardware stores
18. Health clinics and other medical uses including dental clinics, medical clinics, opticians and optical stores
19. Hotels or motels
20. Incinerators, either municipal or private
21. Museums, libraries, parks, playgrounds, and other public buildings
22. Manufacture of:
  - a. Pulp paper products including coating and glazing
  - b. Plywood, millwork, and similar wood products
  - c. Wood preserving products
  - d. Poultry products, including killing, dressing, and storage
  - e. Leather
  - f. Insulating products
  - g. Dairy products
23. Material recycling facilities
24. Nurseries and greenhouses
25. Paint stores
26. Parking and storage of emergency vehicles
27. Plumbing sales outlets and services
28. Printing shops
29. Professional business offices
30. Professional services including locksmith shops, tailor shops, undertaking establishments, plumbing sales outlets and services, laundries (self-service or automatic) and laundry pick-up stations, dry cleaning establishments, photographic studios, shoe repair shops, printing or copy shops, and any other similar uses

31. Restaurants (drive-in and sit down), grills, cafes, ice cream stores and similar establishments
32. Scrap processing or businesses that on a fixed location, stores, processes and manufactures through the utilization of machinery and equipment, iron, steel, non-ferrous metals and other scrap into prepared grades, with no outside storage
33. Self-service laundries
34. Stores or shops for custom work in the making of articles
35. Theatres
36. Wastewater treatment plants
37. Wholesale sales offices
38. Woodworking shops
39. Marine supplies and sales
40. Motorcycle sales and services
41. Retail use. (07/06)

**D. Off-Street Parking and Screening**

1. Off-street parking shall be provided in accordance with the provisions of Section 15.10.1
2. Landscaping and bufferyards shall be provided in accordance with the provisions of Section 15.10.2
3. Exterior lighting where provided shall be in compliance with the provisions of Section 15.10.4
4. Provisions shall be made for storage of refuse in accordance with Section 15.10.5

**E. Lot Requirements**

Minimum lot width	60 feet
Minimum lot area	5,000 square feet
Maximum lot coverage (all structures)	50%
Minimum Green Space	10% (07/06)
Maximum Impervious Surface	80%

**F. Setbacks & Height Restrictions – Principal Building**

Minimum front yard setback (minor street)	10 feet
Minimum front yard setback (major street)	10 feet
Minimum rear yard setback	15 feet
-When abutting a Residential district	50 feet
Minimum side yard setback	10 feet/30 feet aggregate total
-When abutting a Residential district	30 feet
Minimum setback on street side yard	10 feet
Maximum height	65 feet

**G. Setbacks & Height Restrictions - Detached Accessory buildings**

The minimum front yard setback is the same as the principal building	
Minimum side yard setback	3 feet
Minimum setback street side yard on corner lots	15 feet
Minimum rear yard setback	3 feet
Maximum height	20 feet

#### **15.6.18      RESERVED**

This section is reserved for possible future use for additional zoning districts

## **ARTICLE 15-7 PLANNED DEVELOPMENT DISTRICT (PDD)**

### **15.7.1 STATEMENT OF INTENT**

Planned Development District regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a high level of amenities, and preservation of the natural qualities of open spaces. The planned development procedure requires a high degree of cooperation between the developer and the City. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the City with assurances that the project will retain the character envisioned at the time of approval.

### **15.7.2 GENERAL PROVISIONS**

The Plan Commission may recommend and the Common Council may, upon the request of the owners, establish planned development districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structure and mixed dwelling types and mixed compatible uses.

### **15.7.3 PERMITTED USES**

Permitted and accessory uses in the Planned Development District shall be the same as those permitted in the underlying existing zoning district in which the PDD is located. If a developer desires uses different than those permitted by the existing zoning, the developer must simultaneously petition for rezoning of the underlying existing zoning to a zoning district which allows the desired uses(s).

### **15.7.4 MIXED USES**

A mix of different uses within a Planned Development District may be permitted if they are allowed in the underlying zoning district and the Plan Commission and the Common Council determine that the mix of uses is compatible and necessary to achieve the objectives of the PDD.

### **15.7.5 NUMBER OF BUILDINGS ON A LOT**

The Planned Development District may allow more than one building on a lot.

### **15.7.6 DENSITY**

The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district.

### **15.7.7 MINIMUM AREA FOR A PLANNED DEVELOPMENT DISTRICT**

Planned Development Districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be allowed under conventional zoning. To achieve this goal, there is no minimum area for a PDD.

#### **15.7.8 APPLICATION OF THE SUBDIVISION AND PLATTING CODE**

To the extent applicable, any planned development shall be subject to the procedures and regulations of the Subdivisions and Platting Codes. However, the design standards and required improvements established in the Subdivision and Platting Code may be modified or waived upon recommendation by the Plan Commission and approval by the Common Council where strict compliance would result in not achieving the design flexibility necessary to achieve the objectives of the planned development.

#### **15.7.9 LANDSCAPING REQUIREMENTS**

Landscaping in the PDD shall be subject to the provisions of Section 15.10.2 of this Ordinance.

#### **15.7.10 GREEN SPACE REQUIREMENTS**

Green Space area in the PDD shall meet or exceed Green Space required in the underlying district. Some flexibility regarding the arrangement of that space on a parcel may be permitted, for example by providing green space that maybe required at lot edge for parking areas elsewhere on the lot in the case of several parcels utilizing shared parking.

#### **15.7.11 OFF STREET PARKING REQUIREMENTS**

Off street parking in the Planned Development District is subject to the provisions of Section 15.10.1 of this Ordinance.

#### **15.7.12 SIGNS**

All signs in the Planned Development shall be included as part of the PDD application and are subject to the provisions of Article 15-12 of this Ordinance.

#### **15.7.13 APPLICATION PROCEDURE AND REQUIRED INFORMATION**

##### **A. Preliminary Consultation**

An applicant may meet with the Plan Commission and appropriate City staff members for a preliminary consultation prior to formally submitting a rezoning petition for planned development zoning. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal. Although meeting with the Plan Commission and City staff for a preliminary consultation is not mandatory, PDD applicants are strongly encouraged to do so.

##### **B. Rezoning Petition and General Development Plan**

The applicant shall submit a rezoning petition in accordance with Section 15.6.7 in a timely fashion. A general development plan shall be submitted to the Plan Commission for review fifteen (15) days prior to any rezoning hearing. The general development plan shall show the locations of buildings, signs, common open space, parking and drive areas, recreation facilities, principal landscaping features, and other major components of the proposed project.

**C. Other Information**

Other documents or related information shall also be submitted to the Plan Commission for review at least fifteen (15) days prior to any rezoning hearing, upon request of City staff. This required information may include, but is not limited to, plans showing the architectural designs of buildings, maintenance standards, plans of operation, phasing schedule, and economic impact and market feasibility. This may comprise some of the information that will be required for site plan review, however submittal and preliminary review at this stage shall not be a substitute for complete submittal and formal review under Section 15.7.15.

**D. Public Inspection**

The general development plan and related information shall be available for public inspection prior to any rezoning hearing on the proposed project.

#### **15.7.14 CONDITIONS AND RESTRICTIONS**

**A. Planned Developments shall be subject to the following conditions and restrictions**

1. The Plan Commission may recommend and the Common Council may adopt, by resolution, conditions and restrictions for planned developments that specify permitted uses, set bulk regulations and density standard for lot coverage and dwelling unit size and distribution and yard setbacks
2. Conditions and restrictions adopted to govern any planned development may include nonstandard or non-uniform requirements, regulations, and provisions recommended by the Plan Commission and approved by the Common Council. Such nonstandard requirements, regulations and provisions shall be designed to insure proper development and appropriate operation and maintenance of specific sites.
3. The developer(s) shall enter into a developer's agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development, and to assure the construction of all facilities and infrastructure associated with the project

#### **15.7.15 DETAILED PLANS AND INFORMATION**

After Planned Development District zoning has been granted and the general development plan, together with conditions imposed, has been approved, detailed site plans and information covering that portion of the total project which is intended for construction shall be submitted to the Plan Commission for approval prior to the issuance of building permits. The detailed plans and information shall conform substantially to the general development plan and to the resolution of conditions and restrictions which were approved at the time of rezoning. The detailed site plans and information shall comply with the requirements and procedures in Section 15.4.3 of this chapter.

#### **15.7.16 ARCHITECTURAL REVIEW**

Building plans must also be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.

### **15.7.17 COMMENCEMENT OF PROJECT**

After the Plan Commission has approved the detailed site plans, construction of private and public facilities may commence in accord with the following:

**A. Permit Required**

No building permit shall be issued until all applicable fees and assessments have been paid and either all public and private construction has been completed and approved or a developer's agreement has been approved. For staged development, such developer's agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.

**B. Expiration of Approval**

After the Plan Commission has approved the plans, the project shall be commenced within one (1) year unless the time is extended in writing by the Commission. In the event the project is not commenced within one (1) year, the approval of the Commission shall be deemed to be automatically revoked.

### **15.7.18 MAINTENANCE OF PROJECT**

All projects are subject to the following maintenance requirements:

**A. Failure to Perform Maintenance**

Should the owner of a planned development fail to adequately perform maintenance functions such as snow and ice removal, weed cutting, or trash disposal, the City shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense

**B. Failure to Prevent Nuisance**

Should the owner of a planned development fail to properly operate or maintain the business or premises to the extent that a nuisance is caused to occupants or neighbors, or constitutes a nuisance to nearby properties, the Plan Commission may refuse to approve subsequent stages of development until such time as they determine that the situation and/or the method of operation has been corrected.

### **15.7.19 CHANGES OR REVISIONS**

**A. Submission**

All proposed changes, revisions, and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine if the change, revision, or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.

**B. Major Changes**

If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its findings to the Common Council for final approval.

**C. Minor Changes**

If the change is determined to be minor, the Plan Commission shall review the request and may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

## **ARTICLE 15-8 USE-SPECIFIC REGULATIONS**

### **15.8.1 USE TABLE**

The City of Fort Atkinson Use Table lists the uses allowed within each of the zoning districts in the City of Fort Atkinson. Each zoning district is listed along the top of the table and each use is listed in the rows. A “P” in the box indicates that a use is permitted by right in the respective zoning district. A “C” in the box indicates that a use is conditional and is allowed only under specific conditions outlined in Sections 15.8.4 through 15.8.8. If the box is blank, it indicates that a specific use is not permitted in that zoning district. The “Use Standard” Column indicates where a use-specific standard or regulation can be found within this ordinance.

**City of Fort Atkinson Use Table**

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
<b>Residential Use Categories</b>											
Single Family Dwellings	C	C		C	C			P	P	C	
Two-Family Dwellings	C	C		C	C				P	C	
Multi-Family Dwellings	C	C		C	C					P	
Home Occupations	P	P		P	P			P	P	P	15.8.6(B)
Condominiums	C	C		C	C				P	C	
<b>Public, Civil, and Institutional Uses</b>											
Adult Family Homes	P	P	P		P			C	C	C	15.8.6(C)
Business, technical, and trade School	P	P	P		P	C	C				
C.B.R.F.s	P	P	P		P			C	C	C	15.8.6(C)
Churches and other places of worship	C	C	C		C			C	C	C	
Clinics	P	P	P		P	C	C			C	
Dental Clinics	P	P	P		P	C	C			C	
Family Day Care Homes	C	C	C		C			C	C	C	
Fire Stations	C	C	C		C	C	C	C	C	C	
Fraternities and Sororities	P	P	P		P					C	
Golf Courses (excluding driving ranges)	C	C	C		C			C	C	C	
Health Clinics	P	P	P		P	C	C			C	
Hospital	P	P	P		P			C	C	C	
Institutions of an educational, philanthropic, or charitable nature	P	P	P		P					C	
Libraries	P	P	P	P	P	C	C	P	P	P	
Lodges	P	P	P		P					C	
Medical Clinics	P	P	P		P	C	C			C	
Museums	P	P	P	P	P	C	C	P	P	P	

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Nursery Schools	P	P	P		P			C	C	C	
Nursing Homes	C	C	C		C			C	C	C	15.8.6(D)
Other Community Living Arrangement Facilities	P	P	P		P			C	C	C	
Other Public Buildings	P	P	P		P	C	C			C	
Parking & Storage of Emergency Vehicles	P	P	P		P	C	C	C	C	C	
Parks	P	P	P	P	P	C	C	P	P	P	
Playgrounds	P	P	P	P	P	C	C	P	P	P	
Power Plant						P	P				
Private Clubs	P	P	P		P					C	
Public, Private, and Parochial Schools	C	C	C		C			C	C	C	
Recreation Clubs (golf, tennis, swimming, and similar activities)	C	C	C		C			C	C	C	
Wastewater Treatment Plants						C	P				
YMCA, Boy Scouts, and other similar groups	P	P	P		P					C	
<b>Retail, Service, and Commercial Uses</b>											
Adult Establishments	C		C								15.8.5(A)
Antique Shops	P	P	P		P						
Appliance Sales outlets and services including incidental repairing	P	P	P		P	P	P				
Automated Teller Machines (ATMs)	P	P	P		P						15.8.5 (B)
Auto Repair Shops	P	P	P		P	C	C				
Automobile Sales Lots and Showrooms	P	P	P		P	C	C				
Automotive Body Shops	P	P	P		P	C	C				
Automotive Parts Sales Stores	P	P	P		P	C	C				
Automotive Sales Lots	P	P	P		P	C	C				
Bakery Shops	P	P	P		P						
Banks and other financial institutions	P	P	P		P						

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Barber Shops	P	P	P		P						
Beauty Shops	P	P	P		P						
Bed and Breakfast Facilities	P	P	P		P			C	C	C	
Bottling Works			P			P	P				
Business Offices	P	P	P		P	C	C			C	
Cafes	P	P	P		P						
Car Wash	P	P	P		P	C	C				
Carpet Cleaning and Fumigating	P	P	P		P	C	C				
Commercial Recreation Centers	P	P	P		P						
Computer Sales and Service	P	P	P		P	C	C				
Construction Equipment Sales, Repair, and Storage			P			P	P				
Convenience Stores	P	P	P		P	C	C				15.8.5(C)
Dance Studios	P	P	P		P					C	
Day Care Centers								C	C		
Department Stores	P	P	P		P	C	C				
Drive in restaurants	P	P	P		P	C	C				
Drug Stores, Pharmacies	P	P	P		P						
Dry Cleaning Establishments	P	P	P		P	C	C				
Electronics Sales outlets	P	P	P		P	C	C				
Employment and staffing agencies	P	P	P		P	C	C				
Farm Equipment Sales, Repair, and Storage			P			P	P				
Florist shops	P	P	P		P						
Food stores, retail only	P	P	P		P	C	C				
Furniture Stores and Furniture repair, Retail only	P	P	P		P	C	C				
Furniture Stores, Wholesale and Retail	P	P	P		P	C	C				

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Gasoline Service Stations	P	P	P		P	C	C				15.8.5(D)
Gift Shops	P	P	P		P						
Greenhouses	P	P	P		P	P	P				
Hardware Stores	P	P	P		P	C	C				
Hobby Shops	P	P	P		P						
Hotels and Motels	P	P	P		P	C	C				
Ice Cream	P	P	P		P						
Insurance Agencies	P	P	P		P						
Jewelry Stores	P	P	P		P						
Locksmith shops	P	P	P		P	C	C				
Lumber Yards			P			P	P				
Marine Supplies and Sales	P	P	P		P	C	C				
Mini-Warehouses			P			C	C				
Monument Works			P			P	P				
Motorcycle Sales and Service	P	P	P		P	C	C				
Nurseries or garden shops	P	P	P		P	P	C				
Opticians and Optical Stores	P	P	P		P	C	C			C	
Paint stores, retail or wholesale	P	P	P		P	C	C				
Pet Stores, Pet Grooming	P	P	P		P						
Photographic Studios	P	P	P		P						
Plumbing Sales Outlets and Services	P	P	P		P	C	C				
Printing Shops	P	P	P		P	C	C				
Professional Offices	P	P	P		P	C	C				
Radio and television sales, service and repair	P	P	P		P	C	C				
Recreational Establishments, Operated for profit or otherwise	P	P	P		P						

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Recycling Pick-up/drop-off Facilities	C	C	P		C	P	P				
Restaurants, grills, cafes, and similar establishments	P	P	P		P	C	C				
Self Service Laundries	P	P	P		P	C	C				
Shoe Repair Shops	P	P	P		P						
Shoe Stores	P	P	P		P						
Small Animal Hospitals (without kennels)	P	P	P		P						
Soda Shops	P	P	P		P						
Stores or Shops for Custom work in the making of articles	P	P	P		P	C	C				15.8.5 (E)
Tailor Shops	P	P	P		P						
Taverns with proper licensing	P	P	P		P						15.8.5 (F)
Theaters	P	P	P		P	C	C				
Tire (auto) sales, retail only	P	P	P		P	C	C				
Undertaking Establishment	P	P	P		P	C	C				
Veterinary Hospitals and Clinics (with kennels)			P		P						
Video Cassette Rental and Sales	P	P	P		P						
Wholesale Sales Offices	P	P	P		P	C	C				
Woodworking Shops	P	P	P		P	C	C				
<b>Industrial, Manufacturing, and Warehousing Uses</b>											
Assembling and Packaging Products			P	P		P	P				
Beauty and Barber shop equipment						P	P				
Beverage Plants						P	P				
Building material sales yards						P	P				
Candy Factories			P			P	P				
Canning Factories							P				
Cemetery Monument Production and sales						P	P				
Cereal Mills						P	P				

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Chemical Plant							C				
Cold Storage Plants			C	P		P	P				
Concrete and asphalt batching plant							C				
Creameries			C				P				
Electrical Machinery, equipment and supplies						P	P				
Fat rendering							C				
Food Processing						P	P				
Fountain and beverage dispensing equipment						P	P				
Furniture Manufacturing						P	P				
Grain Elevators						P	P				
Grain Manufacturing						P	P				
Ice Cream Manufacturing			C				P				
Inside Storage (Including Cold Storage)			P	P		P	P				
Instruments for professional, scientific, photographic, optical, and similar						P	P				
Laboratories						P	P				
Leather Products Not Including the Tanning of Hides/Leather						P	P				
Manufacture of dairy products							C				
Manufacture of insulating products							C				
Manufacture of leather							C				
Manufacture of plywood, millwork, similar wood products						C	P				
Manufacture of poultry products							C				
Manufacture of pulp paper products							C				
Manufacture of Rubber Products							C				
Manufacture of wood preserving products							C				
Material Recycling Facilities						C	C				

Use Type	Non-Residential							Residential			Use Standard
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	R-1	R-2	R-3	
Metal Fabrication							P				
Motors and armature rewinding shop						P	P				
Municipal or private incinerators							C				
Petroleum Storage							C				
Receiving and shipping articles and products			P	P		P	P				
Scrap Processor						C	C				
Small items						P	P				
Textiles and upholstery						P	P				
Upholstery Manufacture							P				
Warehouse for inside storage only			P	P		P	P				
<b>Other Uses</b>											
Livestock Yards							P				
Milk Distributing Stations			P			P	P				
Motor freight terminals			C			P	P				
Parking Facilities	P	P	P		P	P	P				
Terminals, Bus	C	P	P		P	P	P				

## **15.8.2 SIMILAR USE INTERPRETATIONS**

### **A. Need and Authority for Similar Use Interpretations**

Where a proposed unclassified or unspecified use is similar in character to a permitted or conditional use in a given district the Building Inspector is authorized to make Similar Use Interpretation. At his/her discretion the matter may be referred to the Plan Commission for a final determination. The standards contained in this section shall guide Similar Use Interpretations.

### **B. Considerations Used in Making Similar Use Interpretations**

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The similarity of the proposed or projected use or activity to already-permitted uses and activities
2. The relative amount of site area or floor space and equipment devoted to the activity
3. Relative amounts of sales from each activity
4. The type of customer for each activity
5. The relative number of employees in each activity
6. Hours of operation
7. Building and site arrangement
8. Vehicles used in the activity
9. The relative number of vehicle trips generated by the use or activity
10. Signage
11. How the use or activity advertises itself
12. Whether the use or activity is likely to be found independent of the other uses or activities on the site

### **C. Additional Standards for Similar Use Interpretations**

1. No Similar Use Interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable use standards and all other applicable requirements and standards of this Ordinance.
2. No Similar Use Interpretation shall permit any use in a zoning district unless the use is similar to other uses allowed in the zoning district and is more similar to such uses than to permitted and conditional uses allowed in other zoning districts.
3. If the proposed use is more similar to a use allowed only as a Conditional Use in the zoning district in which it is proposed to be located, then any Similar Use Interpretation permitting that use shall require a Conditional Use Permit.

**D. Effect of Similar Use Interpretations**

A Similar Use Interpretation finding that a particular use is permitted or conditionally permitted in a specific District shall not automatically authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. It merely authorizes the preparation, filing and processing of applications for any permits and approvals that may be required by the City of Fort Atkinson's codes and ordinances or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, Conditional Use Permits, building permits and Certificates of Occupancy.

**15.8.3 DESIGN GUIDELINES FOR NON-RESIDENTIAL AND MIXED-USE BUILDINGS 20,000 SQUARE FEET OR LESS IN AREA**

**A. Purpose and Intent**

1. The purpose of these design standards is to guide the design of buildings constructed in the City of Fort Atkinson to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings in the vicinity. These standards are intended to encourage good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians. Good design results in buildings that are in visual harmony with nearby buildings, leading to a city that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a sustainable community which facilitates easy pedestrian movement and establishment of a rich mixture of uses.
2. The standards listed below relate to the City of Fort Atkinson Use Table in Section 15.8.1. The standards of this section apply whether the uses are allowed as Permitted Uses, Conditional Uses or Accessory Uses. The provisions of this Section shall be applicable to any construction or change in use subject to plan review. The Plan Commission shall evaluate site plans for compliance with these provisions and guidelines.

**B. Waiver of Standards**

The Plan Commission may waive any of the following standards by a majority vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver of the particular standard.

**C. Compatibility with Existing Buildings**

1. Buildings shall maintain a similar size, shape, height, bulk, scale and mass of surrounding architecture.
2. Where building sizes will not be equivalent or comparable, larger building facades shall be broken down into units that resemble the size of existing facades.

**D. Building Materials and Colors**

1. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
2. Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material, but it may be used for accents including awnings.
3. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.
4. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern.
5. Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on façades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas, subject to the limitations in Article 15-12.

**E. Roof Materials, Parapets, and Roof Pitch**

1. Pitched roof structures shall have a minimum roof pitch of 6:12.
2. Flat roofs are permitted with detailed stepped parapets or detailed brick coursing.
3. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
4. Visible sloped roofs must be a “non-color”: gray, black, or dark brown.
5. Visible roof materials must be wood or architectural grade composition shingle, or sheet metal with standing or batten seam.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

**F. Building Facades**

1. Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.
2. Alcoves, Porches, Arcades, etc.  
Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.
3. Traditional Storefront Elements  
For buildings designed to house retail, service, or office businesses, traditional storefront elements are encouraged. These elements include:
  - a. Front and side building walls placed as close as permitted to property lines.
  - b. Clearly delineated upper and lower facades.
  - c. A lower facade dominated by large display windows and a recessed entry or entries.
  - d. Smaller, regularly spaced windows in the upper floor.
  - e. Decorative trims, such as window hoods, surrounding upper floor windows.
  - f. A decorative cornice near the top of the facade.

**G. Change in Relief of Building.**

Buildings must include changes in relief on ten percent of their primary facade. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale.

## **H. Windows**

1. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
2. Ground Floor Window Standards
  - a. All new buildings must provide ground floor windows.
  - b. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
  - c. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
  - d. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
  - e. The primary façade of each building, or for corner buildings each of the two facades, must contain at least 20% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
  - f. Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is 16 square feet per story or six percent of the facade, whichever is greater.
3. Upper Floor Window Standards
  - a. Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)
  - b. Windows must have trim or molding at least two inches wide around their perimeters.

## **I. Pedestrian Accessibility**

1. Buildings shall maintain and/or enhance the pedestrian scale.
2. Building entries must comply with the accessibility requirements of the applicable state and federal codes.
3. Special attention shall be given to designing a primary building entrance which is both attractive and functional.
4. Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building.
5. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

**J. Landscaping/Streetscape**

1. Benches, outdoor seating, and trash receptacles must complement the existing ornamental street lighting and be in keeping with the overall architectural character of the downtown.
2. Benches and other streetscape items may be placed within the public right-of-way, but must not block free movement of pedestrians. A minimum pedestrian walkway width of six feet must be maintained at all times.

**K. Lighting**

1. All building entrances and exits must be well lighted.
2. Exterior lighting must be an integral part of the architectural design, complement any existing ornamental street lighting, and be in keeping with the overall architectural character of the area.
3. The minimum lighting level for building entries is four foot-candles. Lighting must be at a pedestrian scale and the source light must be shielded to reduce glare.

**L. External Storage**

1. The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited.
2. Outdoor seasonal displays of merchandise are permitted during business hours only. A minimum pedestrian walkway width of six feet must be maintained at all times.
3. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of Section 15.10.5.

**15.8.4 DESIGN GUIDELINES FOR BUILDINGS GREATER THAN 20,000 SQUARE FEET IN AREA**

**A. Purpose and Intent**

The design standards for buildings greater than 20,000 square feet are intended to ensure that large retail and commercial service buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the City of Fort Atkinson. Such projects shall also be subject to the more general standards for the approval of Conditional Use Permits or PUD Districts.

The following requirements are applicable to all new buildings in excess of twenty thousand (20,000) gross square feet. All additions to non-residential and mixed use buildings, built either before or after the adoption of this Ordinance, which bring the total building size to over twenty thousand (20,000) gross square feet shall also require a Conditional Use Permit.

**B. Waiver of Standards**

The Plan Commission may waive any of the following standards by a majority vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver of the particular standard.

**C. Compatibility with City Plans**

The applicant shall provide, through a written report submitted with the petition for a Conditional Use Permit or rezoning application for the PDD District, adequate evidence that the proposed building and overall development project shall be compatible with the City's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed in adopted elements of the City's Master Plan.

**D. Building Materials**

Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used, as determined by the Plan Commission and City Council. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.

**E. Building Design**

The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the combined façades of the structure shall employ actual façade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over fifty thousand (50,000) square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is strongly encouraged.

**F. Building Entrances**

Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. All sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building.

**G. Building Color**

Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on façades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas, subject to the limitations in Article 15-12.

**H. Building Location**

Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.

**I. Screening**

Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

**J. Traffic Impact**

All projects that include buildings over twenty thousand (20,000) square feet shall have direct access to an arterial street, or shall dedicate public roads which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.

**K. Parking**

On-site parking shall be provided per the parking requirements found in Section 15.10.1. In addition:

1. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required under Section 15.10.1(B) shall be allowed only with specific and reasonable justification.

**L. Natural Resources Protection**

Existing natural features shall be integrated into the site design as a site and community amenity.

**M. Landscaping**

On-site landscaping shall be provided per the landscaping requirements found in Section 15.10.2. In addition, the project shall provide:

1. Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within ten (10) feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.
2. Extensive paved area landscaping for all parking, driveway, and loading areas to screen and provide visual breaks in the size of such paved areas. Canopy/shade trees shall be emphasized within landscaped islands, with shrubs, groundcover, or grass preferred to mulch or stones.

**N. Lighting**

On-site exterior lighting shall meet all the standards of Section 15.10.4, and total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting. The color and design of pole lighting standards shall be compatible with the building and the City's public lighting in the area, if a particular public lighting theme has been established for the area.

**O. Signage**

The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area.

**P. Bicycle and Pedestrian Access**

The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. Internal pedestrian walkways must be distinguished from driving surfaces. Site design shall allow pedestrians to walk parallel to moving cars. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location. The building shall provide awnings or other weather protection features within thirty (30) feet of all customer entrances.

**Q. Central Areas/Features**

Each development which contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

**R. Cart Returns**

A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces for any establishment utilizing carts. Cart corrals shall be of durable, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building.

**S. Impact on Existing Fort Atkinson Business Locations**

Where such a building is proposed as a replacement location for a business already located within the City, the City shall prohibit any privately imposed limits on the type of reuse of the previously occupied building through conditions of sale or lease. If the applicant requires such limits, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for future redevelopment.

### **15.8.5 COMMERCIAL USE REGULATIONS**

The uses and standards listed below relate to the City of Fort Atkinson Use Table in Section 15.8.1. Unless otherwise noted, the use standards of this section apply whether the uses are allowed as Permitted Uses, Conditional Uses or Accessory Uses.

#### **A. Adult Oriented Establishments**

1. In order to protect the general public health, safety and welfare, property values and neighborhood character, any adult-oriented establishment shall only be allowed as a conditional use.
2. One of the following two conditions must be met for any adult-oriented establishment:
  - a. The person applying for the conditional grant demonstrates that the building where the use shall occur is not located within five hundred (500) feet of any residential dwelling, rooming unit, hospital, church, school or stores frequented by persons under the age of eighteen (18) years, whether such structures are located in this City or in a contiguous town. The five hundred (500) foot distance shall be measured via a straight line from the nearest corners of such building to any portion of the parcel of land containing a residential dwelling, rooming unit, hospital, church, school or store frequented by persons under the age of eighteen (18) years of age.
  - b. The person applying for the conditional use permit files with the Building Inspector a petition favoring the proposed use signed by a minimum of fifty-one (51) persons representing a minimum of fifty-one percent (51%) of the adult persons owning or occupying property within a radius of five hundred (500) feet of the location of the proposed establishment. The petitioner shall attempt to contact all eligible locations within the five hundred (500) feet and shall submit with the petition a list of addresses at which no contact was made and, as far as practicable, a list of all persons refusing to sign the petition. In the event the five hundred (500) foot radius is not sufficiently populated to provide for a minimum of one hundred (100) adult persons owning or occupying property, the radius shall be increased in increments of one hundred (100) feet until there shall be an area large enough to contain one hundred (100) property owners or occupants. The petition circulated shall state the specified activities and/or specified anatomical area intended to be displayed and the conditional use permit sought. The five hundred (500) foot radius and one hundred (100) foot increments shall be measured as set forth above.

**B. Automated Teller Machines**

Automated teller machines shall meet the following requirements:

1. Lighting  
With respect to open and operating automated teller machines during hours of darkness:
  - a. There shall be a minimum of ten (10) foot-candles at the face of the automated teller machine and extending in an unobstructed direction outward five (5) feet.
  - b. There shall be a minimum of two (2) foot-candles within fifty (50) feet from all unobstructed directions from the face of the automated teller machine.
  - c. There shall be a minimum of two (2) foot-candles in that portion of the parking and/or drive area within fifty feet of the automated teller machine.
  - d. All lighting and luminaries provided shall be of the full cut-off type.
2. Landscaping  
No landscaping shall be located within proximity of an automated teller machine which would hamper or obstructed the view of the automated teller machine from all adjoining public street rights-of-way.
3. Signage  
All signage shall comply with requirements of the Cities Sign Ordinance.
4. Automated Teller Machines Considered as Accessory Uses  
All automated teller machines shall be considered as an accessory use and shall not be allowed to be constructed until a principal use is constructed upon a site.

**C. Convenience Stores**

Convenience stores shall meet the following requirements:

1. Direct Access to Arterial Streets Required  
All convenience stores shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
2. Architectural Design  
All convenience stores abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. All such buildings shall be constructed of brick masonry, split face concrete block, or stone.
3. Fuel Pump Location  
In districts where permitted, any fuel pumps and pump islands shall be at least seventy-five (75) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.

4. Canopies

The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure. In addition:

- a. Obstruction of Visibility at Rights-of-Way Prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.
- b. Zoning District Front Yard Requirements Shall Be Met. All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
- c. Maximum Height. Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.
- d. Signs not permitted. No signs shall be permitted on canopy roofs or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator of the convenience store.

**D. Gas Stations**

Gas stations, gas stations with automotive and/or motorcycle repair facilities, and automotive and/or motorcycle repair facilities shall meet the following requirements:

1. Direct Access to Arterial Streets Required. All gas stations shall have direct access to an arterial street except where it is part of a nonresidential development where non-residential uses will be on both sides of the street.
2. Architectural Design. All gas stations abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block or stone.
3. Fuel Pump Location  
Fuel pumps and pump islands shall be at least seventy-five (75) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
4. Canopies  
The canopies provided over the pump islands shall meet the yard requirements of a principal structure. In addition:
  - a. Obstruction of Visibility at Rights-of-Way Prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.
  - b. Zoning District Front Yard Requirements Shall Be Met. All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
  - c. Maximum Height. Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.
  - d. Signs not permitted. No signs shall be permitted on canopy roofs

or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator of the convenience store.

5. **Repair Services**

All repair services shall be done within a completely enclosed building and shall meet the following requirements:

- a. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a masonry wall of a minimum height of six (6) feet.
- b. All damaged or inoperable cars shall be stored indoors until removed from the premises.
- c. All vehicle parts shall be stored within a completely enclosed building.
- d. The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Conditional Use Permit.

6. **Concrete Curb and Gutter**

Concrete curb and gutter shall be required throughout all off-street parking, drive and loading areas.

**E. Stores or Shops for Custom Work in the Making of Articles**

1. A major portion of the articles must be sold on the premises.

**F. Taverns**

1. Shall obtain a permit from the Common Council to operate.
2. Shall comply with the provisions of all City Ordinances.

### **15.8.6 RESIDENTIAL USE REGULATIONS**

The uses and standards listed below relate to the City of Fort Atkinson Use Table in Section 15.8.1. Unless otherwise noted, the use standards of this section apply whether the uses are allowed as Permitted Uses, Conditional Uses or Accessory Uses.

**A. Number of occupying families limited**

No building shall be occupied by more families than prescribed for such building, structure, or premises by the zoning district regulations applicable to such building. (See the definition of a family in the Definitions section of this Code.)

**B. Home Occupations**

1. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit only after an occupancy permit has been issued by the Building Inspector.
2. In addition to all of the standards applicable to the district in which it is located, home occupations shall comply with the following standards:
  - a. The home occupation must be clearly secondary to the residential use.
  - b. The home occupation must be conducted in such a way that it is compatible with the residential character of the neighborhood.
  - c. Not more than two (2) persons may operate, be employed in or involved with the operation of the home occupation.
  - d. No goods shall be visible from the street.
  - e. No alteration of the principal building shall be made which changes its character as a dwelling.
  - f. No more than 20% of the area of any dwelling unit shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
  - g. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
  - h. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage accessory thereto.
  - i. There shall be no outside storage of equipment or materials used in the home occupation.
  - j. Not more than two (2) home occupations may be operated from any one dwelling unit.
  - k. No vehicle larger than one ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises or parked on adjacent residential streets. This prohibition shall also include specialized mobile equipment. Trailers will be allowed to park on the residential street provided that a home occupation permit is approved, the trailer is registered and a fee paid, and the trailer is safely parked adjacent to the permitted property.
  - l. No home occupation shall create a public nuisance. No home occupation shall create any offensive noise, vibration, smoke, dust, electronic interference, odors, heat or glare spilling over the

- property line.
  - m. No more than eight clients shall be permitted per day.
  - n. No clients shall be permitted on the premises between the hours of 9:00 PM and 7:00 AM.
3. Prohibited Occupations
- Permitted home occupations shall not, in any event, be deemed to include:
- a. Dancing schools (except as a conditional use in the R-3 District)
  - b. Restaurants
  - c. Renting of trailers or other similar equipment
  - d. Repair shops or service establishments, except for repair of small home appliances, watches and clocks
  - e. Animal kennels or hospitals, or stables, or commercial boarding of animals
  - f. Small engine and related equipment repair
  - g. Motor vehicle repairs, service, storage, or sales. Prohibited activities include repair and service works such as body work, painting, major mechanical work, motor or transmission repair or replacement, storage or dismantling of non-operable or unlicensed vehicles, and repeated sales of motor vehicles from the premises. (This provision is not intended to prohibit normal vehicle maintenance or repairs or restoration work on vehicles owned by residents)
4. Unspecified Home Occupations
- Unspecified home occupations not listed above as prohibited shall be reviewed and may be approved by the Plan Commission.
5. Home occupations proposed in a rental dwelling unit shall require written consent by the owner of the property, or his agent, prior to commencing operations.

**C. Community Based Residential Facilities (C.B.R.F.s) and Adult Family Homes**

1. General requirements for C.B.R.F.s and Adult Family Homes
  - a. No adult family home, C.B.R.F., or other community living arrangement facility may be established within two thousand five hundred (2,500) feet of another adult family home, C.B.R.F., or other community living arrangement facility.
  - b. The total capacity of all such facilities in a ward shall not exceed the total number of persons equivalent to one percent (1%) of the population of the ward.
  - c. In any case, the total capacity of all such adult family homes, C.B.R.F.s, or other community living arrangement facilities in the City may not exceed one percent (1%) of the total City population.
  - d. Exceptions to these limitations may be granted at the discretion of the City by issuance of a Conditional Use Permit.
2. Conditional Use Permit Review Criteria

The Plan Commission shall apply the following criteria in their review of Conditional Use Permit applications for adult family homes, C.B.R.F.s, or other community living arrangement facilities:

  - a. The facility shall be licensed as required under Wisconsin Administrative Code HFS 83.
  - b. The facility, when fully occupied, shall not be impractical or infeasible and shall not create an unreasonable financial or administrative burden on municipal services, including but not limited to, fire protection, police protection, emergency medical services, public water supply and sanitary sewer services, streets and transportation facilities, and park and outdoor recreation facilities.
  - c. The facility shall provide adequate off-street parking as required by this chapter.
  - d. The facility shall meet the requirements of the City of Fort Atkinson Building Code and Housing Code.

**D. Nursing Homes**

1. The site shall be such as to provide for a front yard, side yards and rear yards of not less than seventy-five (75) feet.
2. Off-street automobile parking may be permitted in the front, side or rear yards, but no closer than fifteen (15) feet to the property lines. If lighting is provided for the parking area, it shall be done so as not to shine onto adjoining properties.

### **15.8.7 WIRELESS TELECOMMUNICATION ANTENNAS**

#### **A. Purpose and Intent**

1. To ensure the provision of personal wireless service within the corporate boundaries of, and for the benefit of, the residents of the City of Fort Atkinson.
2. To protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics.
3. To minimize the visual impact of towers, antennas, and associated buildings through design and siting standards.
4. To maximize the use of existing and approved towers and buildings to accommodate multiple antennas in order to reduce the number of towers needed to serve the community.
5. To avoid damage to adjacent properties from tower failure through structural standards and setback requirements.

#### **B. Conditional Use Permit Required**

A conditional use permit shall be required from the Plan Commission for wireless communication facilities in those zoning districts in which wireless communications facilities are allowed as conditional uses. Wireless communications facilities are allowed as conditional uses in any zoning district except that in any residentially zoned districts they shall only be allowed on existing structures.

**C. Application**

At the time of application for a conditional use permit, the applicant shall submit the following information:

1. A site plan showing the location of the proposed tower as well as the location of the proposed equipment storage building. The site plan shall include any equipment storage buildings which shall be designed to accommodate other potential carriers that may locate on the tower and accommodate expansion.
2. A written statement signed by the applicant that Federal Aviation Administration (FAA) and Wisconsin Department of Transportation, Division of Aeronautics, approval are not required, or a copy of the FAA and Wisconsin Department of Transportation, Division of Aeronautics, application if such approval is required.
3. An application for Department of Commerce (COMM) approval or a statement submitted by the applicant as to why COMM approval is not required.
4. An explanation describing how the proposal is in concert with zoning and land use requirements of the particular zoning district.
5. A visual impact statement, including a site photo, drawing of the proposed structure, and setting forth the location of the structure plotted on an official zoning map. The site shall be plotted on an aerial map of a scale of 1 inch equals 300 feet or finer, showing adjacent land uses within a radius of 2500 feet of the structure.
6. A statement describing the access to the facility. In addition, applicant shall submit a horizontal plan of the facility, showing the relationship of all major components of the facility, including a tower, fence, buildings on site, lot lines and nearest residences and access roads.
7. A statement describing the impact on utility services at the proposed facility.
8. An engineering analysis, conducted by a registered professional engineer familiar with the structure, which considers the following:
  - a. Structural capacity
  - b. Antenna aperture
  - c. Space and equipment building
  - d. FCC, FAA, and/or Department of Commerce limitations.
  - e. The analysis shall include a written report from the engineer in the application describing strengthening methods to be used along with a statement that the proposed facility meets the latest Electrical Industrial Association (EIA) requirements for the southeast Wisconsin area wind loading zoning.
9. A detailed statement of how arcing, spurious emissions, intermodulation, and distortion will be minimized by RF transmitter filtering, secure bonding of waveguide, transmissions lines and other tower and guy attachments and the use of corrosion resistant hardware.
10. If the application proposes a new tower structure instead of co-location, the applicant must also submit documentation outlining the reasons for not co-locating.

**D. Co-Location Requirements**

No proposal for the construction of a new wireless telecommunication tower shall be approved unless the applicant documents to the satisfaction of the City Council that the antenna planned for the proposed tower cannot reasonably be accommodated on an existing, conforming co-location tower or structure, or on a utility pole within the applicant's search ring due to one or more of the following:

1. The antenna would exceed the structural capacity of the existing or approved tower or building.
2. The antenna would cause interference with other existing or planned equipment at the tower or building.
3. Existing or approved towers and buildings cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to provide services to the residents and businesses of the City.
4. Existing or approved towers and commercial buildings are outside of the documented search area.
5. The owners or lessors of the existing or approved towers and buildings are unwilling to allow co-location upon their facilities.

**E. Plan Commission Review**

The Plan Commission shall consider the following criteria in granting a conditional use permit:

1. Whether the wireless communications facility complies with pertinent FCC regulations and federal requirements concerning RF emissions.
2. Whether or not municipal sites are available for a wireless communication facility.
3. Whether Federal Aviation Administration (FAA) and Wisconsin Department of Transportation Division of Aeronautics approval is required.
4. Whether Department of Commerce (COMM) approval is required.
5. The design of the existing structures and new towers or appurtenances to be placed on buildings or to be ground mounted must be approved by a registered professional engineer familiar with the requirements of such structures. The professional engineer's analysis shall include:
  - a. Tower "free fall" zone based upon tower break points; radius for falling tower appurtenances, hardware and ice; windscatter of paint, general public safety with respect to load capacity; percentage of ultimate tower capacity reserved for future use.
  - b. The configuration, design and size of any equipment storage buildings shall be consistent with buildings in the particular zoning district and will comply with the requisite setback requirements in the district.

6. Whether the proposal is in concert with the zoning and land use requirements of the particular zoning district.
7. Whether there is a visual impact of the wireless communications facility and the appurtenant buildings upon the adjacent area including distance from residences, scenic vistas, and whether any appropriate landscaping is in place or proposed which would act as a screen such as trees, berms or buildings. A surface paint or finish shall be used on all towers, antennas, and equipment that reduces the visibility of the tower and equipment. Equipment on an existing structure shall be painted to match the structure. Free standing towers and equipment shall have a flat white finish, or other color as approved by the Plan Commission, to harmonize with the surrounding environment.
8. The access to the facility and:
  - a. Whether the facility is restricted by fence or locked rooftop
  - b. Who possesses keys
  - c. Whether there are anti-climbing provisions at the facility.
9. The impact of utility services at the proposed facility.
10. Whether there is adequate provision for maintaining the facility in good repair and condition, including painting and grass trimming.
11. Whether the proposed facility is the best alternative within a radius of 1 mile.
12. The number of users which could be accommodated on the proposed structure based upon an engineering analysis, conducted by a registered professional engineer familiar with the requirements of the structure, which considers the following:
  - a. Structural capacity
  - b. Antenna aperture
  - c. Space and equipment building
13. In determining whether to grant a conditional use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties.
14. In the event additional equipment is required for reasons such as new technologies or a greater number of carriers than anticipated, then the existing storage building shall be expanded to accommodate such equipment. Where, based on the site configuration, it is not practical to design one equipment storage building to accommodate the needs of the total number of carriers on the tower, the Plan Commission may allow more than one equipment storage building on a site.

**F. Setbacks**

1. The minimum setback from any property line, public right-of-way, building, or structure shall be equal to 110% of the height of the tower.
2. Setbacks for accessory buildings and structures incidental to the use of the tower or antenna shall comply with the requirements of the zoning district in which the structure is located.

**G. Abandonment**

Any wireless communication facility that is not operated for a continuous period of six months shall be considered abandoned and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of abandonment.

## 15.8.8 CONDITIONAL USES

### A. **Prior conditional uses are Conforming**

All uses existing as of the effective date of this Code which are classified in this Code as conditional uses in their respective zoning district are conforming uses. Any proposed change in their existing operation shall be subject to the procedures and provisions of the conditional use section of this Code.

### B. **Plan Commission Approval Required**

Any conditional use listed in this Ordinance shall be permitted only when authorized by the Plan Commission.

### C. **Application**

Applications for a conditional use shall be made in duplicate to the Building Inspector. The following information shall be provided at the time of application:

1. Names and addresses of the applicant, owners, architect, engineer, planner, contractor, and all abutting and opposite property owners within one hundred (100) feet of the proposed use exclusive of street right-of-way.
2. A written description of the conditional use, describing its unique characteristics, and a plan of operations describing the character of the operation in terms of its impact upon traffic facilities, storm drainage, sewage disposal, potable water supply, hours of operations and environmental character with particular emphasis on control of any possible noise, dust, odor, or other undesirable operating characteristics.
3. All information required under Section 15.4.3.
4. Additional information as required by the Plan Commission or the Building Inspector.

### D. **Review**

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street access, traffic generation and circulation, drainage, sanitary and storm sewer, water systems, landscaping, park requirements and proposed operation. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, lighting, fencing, planting screens, hours of operation, traffic improvements, deed restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Code.

### E. **Compliance Required**

Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses.

**F. Special Standards for Specified Conditional Uses**

When the zoning district regulations authorize a conditional use in a particular zoning district and that conditional use has additional standards set forth under Sections 15.8.3 through 15.8.7 of this Code a Conditional Use Permit shall not be recommended or granted unless the applicant shall establish compliance with all such standards.

**G. Permits**

Plan Commission may authorize the Building Inspector to issue a building permit or a use permit for a conditional use after review and public hearing.

**H. Recording of Conditional Use Provisions**

Conditional use provisions shall be described on forms provided by the City and signed by both the City and property owner(s), and recorded with the Jefferson County Register of Deeds Office as a covenant on the property. Recording fees shall be paid by the Owner. A copy of the registered deed restrictions shall be provided to the City of Fort Atkinson.

**I. Revocation**

The Plan Commission, after public hearing, may revoke the conditional use permit at any time if it is not in compliance with the conditions imposed or if there has been substantial change in the development without prior written approval of said changes by the Plan Commission, or if the approved conditional use is not commenced within six (6) months of approval.

### **15.8.9 NON-CONFORMING USES**

In order to avoid individual hardship whenever reasonable, and not in conflict with the general welfare of the City of Fort Atkinson, and for purposes herein outlined, the following provisions shall apply to all districts:

**A. Non-Conforming Uses Permitted**

Except as herein specified, the lawful use of any building, structures or land existing at the time of the enactment of this Code may be continued although such use does not conform to the provision of this Code.

**B. Enlargement of Non-Conforming Use**

A non-conforming use shall not be extended, but the extension of a use to any portion of a building which portion is at the time of the adoption of this Code primarily arranged or designed for such non-conforming use, shall not be deemed to be an extension of a non-conforming use.

**C. Restoration**

The remodeling involving structural alterations made in a non-conforming building shall not during its life exceed fifty percent (50%) of its assessed valuation at the time the building became non-conforming, nor shall the building be enlarged, unless the use therein is changed to a conforming use; provided, however, that a non-conforming building damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to the extent of no more than fifty percent (50%) of its assessed value prior to the damage may be repaired or rebuilt within two (2) years of the date of such damage, but not thereafter.

**D. Discontinuance**

If a non-conforming use is discontinued for a period of one (1) year, any future use of the building and premises shall be in conformity with the provisions of this Code.

**E. District Changes**

The foregoing provisions of this section shall also apply to non-conforming uses in districts hereafter changed.

**F. Order of Classification of Districts**

The order of classification of uses from the highest to the lowest for the purposes of this Code shall be as follows:

1. Single-family residential
2. Two-family residential
3. Multi-family residential
4. Service business
5. Central business
6. General commercial
7. Light industrial
8. Heavy industrial

#### 15.8.10 – Small Wind Energy Systems

**A. Statutory Authorization.** This Ordinance is adopted pursuant to the authority contained in §66.0401 of the Wisconsin Statutes.

**B. Purpose.** The purpose of this Ordinance is to oversee the permitting of small wind energy systems, and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

**C. Definitions.** For purposes of this section, the following terms shall have the meanings indicated:

**1. Meteorological or Met Tower.** The tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to measure, monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resources at a given location.

**2. Owner.** Any property owner, individual or other legal entity that applies for a building permit, or a conditional use permit on its own behalf, or as a representative of a lessee, licensee, assignee or optionee, desiring to build or erect a small wind energy system pursuant to this ordinance.

**3. Rotor Diameter.** The cross sectional dimension of the circle swept by the rotating blades.

**4. Small Wind Energy System.** A wind energy system that: (i) is used to generate electricity; (ii) has a nameplate capacity of 100 kilowatts or less; (iii) has a total height of 170 feet or less; (iv) meteorological tower; and (v) micro towers placed on buildings.

**5. Total Height.** The vertical distance from the ground or water level to the tip of a wind generator blade when the tip is at its highest point.

**6. Tower.** The monopole, freestanding, or guyed structure that supports a wind generator.

**7. Wind Energy System.** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy as defined in §66.0403(1)(m) of the Wisconsin Statutes. This equipment includes, but is not limited to any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, substation, MET Towers, other component used in the system, and buildings accessory to such system or facility.

**8. Wind Generator.** Blades and associated mechanical and electrical conversion components mounted on top of the tower.

**D. Standards.** A small wind energy system shall be a conditional use in all residential districts and all other zoning districts, except those properties included within the Floodway Zoning District, the Conservancy District and Shoreland-Wetland Districts, which are excluded from the conditional use permit. Eligible wind energy systems are subject to the following requirement.

**1. Setbacks.** A wind tower for a small wind system shall be set back a distance no less than 100 per cent its total height from: (i) any public right-of-way (unless written authorization is granted by the Board of Zoning Appeals to deviate from this requirement); (ii) any overhead utility lines, unless written authorization is granted by the applicable utility(ies) to deviate from this requirement; and (iii) the exterior boundary of all lots of record under the same ownership, unless written authorization is granted by the affected land owner(s) to deviate from this requirement; and (iv) any other tower or structure.

**2. Separation.** Irrespective of City jurisdictional boundaries, a wind tower's separation distance from any property line, and other existing towers of any type or kind, or approved but unbuilt towers shall be measured from the center of the tower base to the closest point of the property line. The separation distance between towers shall be measured by drawing a straight line between the center of the tower base of an existing tower, or an approved but unbuilt tower, and the center of the tower base of the proposed new tower, pursuant to a site plan for the proposed tower.

**a. Inhabited Structures.** Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than 100 per cent its total height, excluding owner's own buildings.

**3. Access.** All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as to not provide stop bolts or a ladder readily accessible to the public for a minimum height of fifteen (15) feet above the ground. Ingress and egress to the tower shall be identified on a tower development plan.

**4. Electrical Wires.** All electrical wiring, controls and power lines associated with a small wind energy system, other than wires brought together for connection to the transmission or distribution network, shall be either wireless or not above ground.

5. **Lighting.** A wind tower and generator shall not be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority.
6. **Appearance, Color and Finish.** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a deviation from this requirement is so authorized in the conditional use permit approved by the Common Council.
7. **Signs.** All signs, other than the manufacturer's or installed identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public right-of-way shall be prohibited.
8. **Code Compliance.** A small wind energy system including tower shall comply with all applicable state building and electrical codes, and the National Electrical Code and State Electric Code.
9. **Utility Notification and Interconnection.** Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin Rule 119, "Rules for Interconnecting Distributed Generation Facilities".
10. **Met Towers.** Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
11. **Principal or Accessory Use.** A small wind energy system may be considered either a principal or accessory use. A different existing use or an existing structure on the same lot of record shall not preclude the installation of a small wind energy system or a part of such facility on such lot. Small wind energy systems that are constructed and installed in accordance with this ordinance shall not be deemed to constitute the expansion of a non conforming use or structure.
12. **Height Exemption.** The height of a small wind energy system is exempt from the maximum height restriction of the underlying zoning district in which they are located. The City's "Airport Height Limitation Map" under Section 14.37, shall restrict the overall height of the system.
13. **Minimum Ground Clearance.** The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 75 feet.
14. **Relationship to the Larger Site.** At small wind energy system sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the small wind energy system to the natural setting and the existing environment.

**15. Noise and Traffic.** Equipment at a small wind energy system site shall be automated to the greatest extent possible to reduce noise, traffic and congestion. All facilities shall be constructed and operated in such a manner as to minimize the amount of disruption to nearby residents and businesses. Outdoor noise produced during construction or maintenance activities shall only take place on Monday - Saturday, non holidays, between 7:00 A.M. and 9:00 P.M. unless allowed at other times by the City, or unless an emergency situation exists. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

**16. Interference with Public Safety and Telecommunication.** No existing or proposed small wind energy system facilities shall produce interfering signals which interfere with signals from any pre-existing public utility or public safety operation, the City of Fort Atkinson Airport, or other City or private telecommunications operations. Should interference occur as a result of an existing small wind energy facility or service, the Building Inspection Department shall notify the small wind energy system owner to allow the Building Inspector to monitor interference levels. The cost for re-tuning transmitters and resolving such interference shall be borne by the system owner. With the exception of testing approved by the Building Inspection Department, all operation shall cease at a small wind energy system causing interference until a suitable resolution is found and implemented. The system owner or interfering party shall be responsible for all costs associated with any equipment rental or purchases, or tests deemed necessary by the Building Inspector to resolve any and all interference problems. If such interference has not been corrected within ten (10) consecutive calendar days of the date the Building Inspector notifies the system owner or interfering party of an interference problem, the Building Inspector may require the system owner or interfering party to remove the specific items from the small wind energy system facilities causing such interference.

**17. Safety.** All small wind energy systems shall be protected to discourage public access onto the small wind energy system site. Wind turbine towers shall not be climbable up to 15 feet above ground level. All access doors to wind turbine towers and electrical equipment shall be lockable. The small wind energy system owner shall be expressly responsible to maintain all security, aesthetics, and safety elements at the small wind energy site in good working condition.

**18. Warning Signs.** All small wind energy system sites shall include warning signs designed to discourage public access into the site. The small wind energy system owner shall be expressly responsible to maintain all signage at the small wind energy site, so that such signage is to be clearly visible and not obstructed from public view. All sites shall post an emergency 24 hour phone number.

**19. Design/Structural Integrity.** All small wind energy system facilities shall be designed and situated to be visually unobtrusive and to minimize the impacts of noise, radio frequency, electrical emission, glare, heat, air contaminants and vibration upon surrounding land uses.

a. The City reserves the right to require small wind energy system owners to design their facilities to blend into the surrounding environment through the use of color, camouflage and architectural treatments, except in instances where the design (or specific design details such as lighting) of a telecommunication tower is dictated by federal, state or local regulations and standards. Unless otherwise required by a federal or state agency regulating the location of antenna and towers, or when requested by the City, towers shall be designed to match, as closely as possible, the color and texture of their surrounding built or natural environment.

b. Small wind energy system facilities shall be constructed out of metal or other non-flammable material, and shall be treated with, corrosive resistant material.

c. With the exception of necessary electric and telephone services, no part of any utility or telecommunication facilities including any lines, cable, equipment, wires or braces, shall at any time extend across, upon, under or over any part of any public right-of-way, without the express written permission of the City Engineer.

d. All small wind energy system facilities shall be certified by a qualified and licensed professional engineer to be designed in conformance with the latest structural and wind loading standards for the industry, and to conform to all federal, state and local requirements.

**20. Outdoor Storage.** At all small wind energy system sites, the storage of any machinery, equipment, materials or other mechanical devices outside of an enclosed building is prohibited.

**21. Accessory Structures.** At a small wind energy system site, all support buildings for storage, equipment enclosures and the like, shall be: 1. Treated as accessory uses or structures; 2. Required to be brick, decorative masonry or split face block exterior; and 3. Designed to be architecturally compatible and consistent with surrounding buildings and structures, and shall meet the minimum setback requirements of the underlying zoning district.

**22. Annual Maintenance Report.** An annual maintenance report shall be submitted to the Building Inspector each year.

a. If the maintenance report recommends that repairs and maintenance are required, then the owner shall be notified by the Building Inspector within 30 consecutive calendar days after receipt of said report. The owner shall submit to the Building Inspection Department written evidence to verify that such repairs and maintenance has been completed. The owner shall have 90 consecutive calendar days from the date the Building Inspector issues a notice to complete the required improvements.

b. The Building Inspector may require an owner to repair or remove any small wind energy system improvements, both above and at grade, and restore the site to its original pre-construction condition, except for ordinary wear and tear, based on the findings of the inspection report. The City shall have no financial responsibility or liability regarding the required inspection report, or any required repair, testing or maintenance. All repair, testing or maintenance activities at telecommunication facilities shall be performed by licensed and insured maintenance and construction personnel.

c. The owner is responsible to provide all maintenance reports in a timely manner to the Building Inspection Department. Failure of the City to provide any notice in advance of any required reporting deadline, shall not void or invalidate the owner's reporting responsibilities outlined in this section.

d. All small wind energy system sites may be inspected at least once each year by the Building Inspection Department to determine compliance with this section. Deviation from original construction standards or non-compliance with any requirements for which a City permit has been obtained, shall constitute a violation under this section.

1. The Building Inspector shall have authority to enter and inspect all improvements at a site, for the purpose of determining whether a site and improvements comply with all City regulations, and all other applicable federal and state regulations and requirements. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner.

2. Notice of any violations shall be sent by the Building Inspector to the owner, who will have 60 consecutive calendar days from the date the notification is issued to make the corrections. The owner will notify the Building Inspector that the corrections have been made, and shall submit documentation, satisfactory to the City, that the corrections have been completed.

#### **E. Permit Requirements.**

**1. Building Permit.** A building permit, issued by the Building Inspector, shall be required for the installation of a small wind energy system.

**2. Documents.** The building permit application shall be accompanied by a plot plan which includes: (i) property lines and physical dimensions of the property; (ii) location, dimensions, and types of existing major structures on the property; (iii) location of the proposed wind tower system; (iv) identification of all existing and Official Map rights-of-way contiguous to the property; (v) any overhead utility lines; (vi) wind system specifications and certifications, including manufacturer and model, rotor diameter, tower

height, tower type, and other information as required by the Building Inspector; (vii) tower foundation blueprints or drawings; (viii) tower blueprints or drawings.

**3. Fees.** The application for a building permit for a small wind energy system must be accompanied by the fee required for the building permit. For wind towers, the fee is to be calculated by multiplying an established fee rate by the height of the tower. Said fees shall be collected by the Building Inspector, and shall be due and payable concurrent with the issuance of a building permit for a wind tower. Failure to make this payment shall be deemed a violation of this section.

**4. Expiration.** A permit issued pursuant to the section shall expire if: (i) the small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or (ii) the small wind energy system is out of service or otherwise unused for a continuous 6-month period.

**F. Removal of Facilities Upon Discontinuation, and Abandonment or Termination.**

1. In the event that the use of a small wind energy system facility is discontinued, abandoned or terminated at a site, or a conditional use permit revoked or terminated by the City or any termination or expiration not specifically referenced in this section, the small wind energy system owner shall provide written notice to the Building Inspector of its intent to discontinue, abandon or terminate a wind turbine system. In addition, an owner shall provide the Building Inspector with a copy of any notice required to be provided to the FCC or FAA detailing the intent to cease operations at a site, and the date when the use shall be discontinued, abandoned or terminated. An owner shall have twelve (12) months after discontinuation, abandonment or termination of operations at a site within which to dismantle and remove all small wind energy system facilities from a site including all structures and site improvements, both above and at grade, and restore a site to its original preconstruction condition, except for ordinary wear and tear.

2. In the event an owner fails to remove the small wind energy system facilities and restore a site within the twelve (12) month period, the City may remove, or cause the removal of the facilities and site improvements, both above and at grade, and restore a site to its original pre-construction condition, except for ordinary wear and tear. After removal of the facilities and restoration of a site, the City may place an assessment against the property to recover all direct and indirect costs incurred in dismantling, disposal and restoration of a site, including court costs and reasonable attorney fees, or may use any other legal remedy available by law to recover its costs.

**G. Conditional Use Permit Procedure.**

1. A conditional use permit in accordance with the procedures outlined in Section 15.8.8 shall be required for the following activities: (i) constructing, erecting or increasing the height of an existing or proposed small wind energy system; (ii) increasing the number of small wind energy system turbines; or (iii) increasing the area of a small wind energy system.

- a. All small wind energy system facilities shall meet or exceed, and, at all times, remain in full compliance with applicable federal, state and local regulations and standards.
  - b. The City shall not be required to take any action regarding a conditional use permit until after submittal of a complete application, consisting of any information detailed herein, plus any additional information requirements that may be requested by the City. The small wind energy system owner will not be authorized to proceed with the installation of any facilities until after a conditional use permit has been approved and issued by the Planning Commission in accordance with Section 15.8.8
2. In addition to criteria contained in Section 15.8.8, the Planning Commission shall consider the following factors in determining whether or not to issue a conditional use permit:
- a. The State of Wisconsin, Bureau of Aeronautics, shall investigate the installation of a proposed small wind turbine system, if the total height of the system exceeds the maximum elevation as established by the City's Airport Height Limitation Zoning Ordinance (Section 14.37). The Bureau will evaluate any system that exceeds the maximum elevation and is located within three (3) miles of the City of Fort Atkinson Airport landing approaches. The evaluation will include an aeronautical study to determine if the excess tower height will have any effect or interference on the operations of the Airport. The owner of a system that exceeds the maximum elevation shall request a variance from the Airport Height Limitation Zoning Ordinance as part of the submittal and approval process.
  - b. Design of the small wind energy system, with particular reference to safety of the system as certified by a professional engineer licensed to design such facilities, and associated characteristics;
  - c. Proposed ingress and egress to the small wind energy system site; and
  - d. Any other factors which may have a major impact on the small wind energy system site or surrounding properties.

The Planning Commission may waive or reduce the burden on the small wind energy system owner of one (1) or more requirements of the conditional use permit, if the Planning Commission concludes that the intent of this section is better served thereby.

The Planning Commission reserves the right to amend, modify or revoke a previously approved conditional use permit, in order to serve or protect the public health and safety.

**H. Conditional Use Permit Application Requirements.** A written request by an owner for the issuance of a conditional use permit by the Planning Commission shall be prepared by an owner and submitted to the Planning Commission for consideration by the City Planning Commission. The City shall in no way be obligated to consider an application under this section until all information outlined hereunder has been provided to the sole satisfaction of the City. The application shall include, at minimum, the following information:

1. The legal name, mailing address, fax and telephone number of the small wind energy facilities owner and property owner (if not the same party as the owner of the small wind energy system facilities). If the facilities owner is not the property owner, the written request and signature of the property owner of record for a conditional use permit shall be included in the application.
2. Submittal of a site plan for a proposed facility in accordance with Section 15.4.3 and including:
  - a. Drawings which detail the small wind energy system facilities, the installation of any required lighting systems, as required by federal, state or local regulation; and
  - b. Drawings which detail equipment plans, cabinetry, shelters, structural, electrical and grading elements at the site.
3. Visual analysis, which may include a photomontage, a graphic rendering or bird's eye perspective, or other techniques to identify potential visual impacts of the proposed facility.
4. The City may require an owner to supplement any information that the City considers inadequate, or that an owner has failed to supply. The City may deny an application under this section on the basis that the owner has not satisfactorily supplied the information required in this section. An application shall be reviewed by the City in a prompt manner, and all decisions by the Planning Commission shall be supported in writing setting forth approvals with any supplementary compliance requirements; and denials, with the reasons for denial. All costs associated with the preparation, duplication and delivery of technical reports and plans referenced in this section are the sole responsibility of the owner.

**I. Building Permit Procedure.**

1. The Building Inspector shall issue a building permit after the owner of the small wind energy system has obtained a conditional use permit under this Section, and has paid all applicable fees, including fees under Section.
2. A building permit is not required for replacing or strengthening bracing, anchor and support members, reinforcing vertical members, or any adjustment or replacement of elements affixed to a tower, provided that these activities do not reduce the safety factor.

**J. Site Plan Requirements.** A small wind energy system owner shall be required to comply with all site plan requirements under Section 15.4.3 of the Fort Atkinson Municipal Code.

**K. Violations and Penalties.** It is unlawful for any person to construct, install, maintain, modify, or operate a small wind energy system, met tower, or wind farm system that is not in compliance with this ordinance or with any condition contained in a conditional use permit issued pursuant to this ordinance.

Violation of any provision of this section, including failure to comply with any regulatory measures or conditions of the Plan Commission, Board of Appeals, or other governmental body or official exercising authority, shall be subject to revocation of conditional use permit and a forfeiture not to exceed five hundred dollars (\$500.00) for each offense. Each day such violation continues shall be deemed a separate offense.

**L. Severability.** If any clause, section, subsection, term or provision or other part of this Section shall be held invalid or unconstitutional under any federal or state law or any court of competent jurisdiction, the remainder of this section shall not be affected thereby, and each remaining clause, section, subsection, term or provision shall remain in full force and effect, and valid and enforceable to the fullest extent permitted by law.

**M. Relationship to Other Ordinances.** This ordinance does not abrogate, annul, impair, interfere with, or repeal any existing ordinance. If any term, condition or requirement under this Section conflicts with the provisions of any agreement, contract, lease, license or other document, the terms, conditions and requirements under this section shall control unless determined otherwise by the City.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

## 15.8.11 MOBILE MERCHANTS

### A. Definitions.

“Charitable Organization” shall include any benevolent, philanthropic, patriotic, or eleemosynary person, association or corporation.

“City” hereafter means City of Fort Atkinson

“Merchandise or wares” shall include personal property of any kind and shall include products, goods or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

“Non-Profit Organization” means not conducted or maintained for the purpose of making a profit as defined by the Federal Government or State of Wisconsin.

“Religious Non-Profit” organization means as defined by Federal and State laws.

“Mobile Merchant” includes any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a temporary and/or mobile business of selling and delivery of merchandise or wares, other than house to house, within the City, and who in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent or any street, alley or other place within the City for the exhibition and sale of such wares and merchandise either privately or at public auction.

### B. Licensing.

#### 1. License Required.

It is unlawful for any mobile merchant as defined above, to engage in any such business within the City without first obtaining a license issued in compliance with the provisions of this Chapter.

#### Exemptions:

- a. The terms of this Chapter shall not be held to include acts of persons selling personal property at wholesale to dealers in such articles nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this Chapter shall be held to prohibit any sale required by Statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law.
- b. Mobile merchants, while participating in a fair, market or special event sponsored by either a civic nonprofit organization, a religious non-profit organization, or the City shall be exempt from the provisions of this

Chapter, except as set forth in this section, provided that the civic nonprofit or religious non-profit sponsoring organization obtains prior approval from the City for the fair, market or special event and provided that the merchants and nonprofit organization comply with all restrictions and requirements imposed by the City incidental to such approval.

2. License Application.

Applicants for a license under this Chapter must file with the City Zoning Administrator, a sworn application in writing on a form to be furnished by the City Zoning Administrator which shall give the following information:

- a. Name and physical description of the applicant;
- b. Complete permanent home and local address of the applicant;
- c. A brief description of the nature of the business and the goods to be sold.
- d. The length of time for which the right to do business is desired, six (6) months or twelve (12) months, where applicable, or a daily license, for a maximum of ten (10) consecutive days;
- e. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
- f. At the time of filing the application, a fee of twenty five dollars (\$25.00) shall be paid to the City Clerk to cover the cost of the investigation of the facts stated on the initial application;
- g. Proof of approval of health and sanitation by County, State or Federal agencies as required;
- h. For any license issued for use on City property, license holder shall procure and maintain for the duration of the license, a minimum liability and contractual liability policy in the amount of one million dollars (\$1,000,000) for accident, bodily injury and for property damage. A certificate of such insurance shall be filed with the Zoning Administrator as part of the application. The insurance shall name the City, its officials, employees and agents as additional insured. The Certificate of Insurance shall provide thirty days written notice to the City upon cancellation or renewal of material change in policy;
- i. Applicant shall comply with Wisconsin Safety & Professional Services (SPS) Chapter 314, Fire Prevention, as well as National Fire Protection Association (NFPA) Chapter 1, Fire Code, before a permit to operate is issued.

3. License – Investigation and Issuance.

- a. Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's

business and moral character as he/she deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this Chapter within ten (10) business days after it has been filed by the applicant with the Zoning Administrator's office.

- b. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall not endorse on said application, and detail his/her disapproval and his/her reasons for the same, and return the application to the City Clerk, who shall notify the applicant that his/her application is disapproved and that no license will be issued.
- c. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application, his/her approval and return the application to the City Clerk, who shall upon approval of the Plan Commission, deliver to the applicant his/her license. Such license shall contain the signature of the issuing officer and shall show the name and address of the licensee, the amount of fee paid, and the length of time the same shall be operative as well as the license number and other identifying description of any vehicle used in such business. No license shall be used at any time by any business other than the one to whom it is issued. The Clerk shall keep a record of all licenses issued.

#### 4. License – Fees.

- a. Every applicant for a license under this Chapter who owns, rents or leases real property located within the City used primarily for the business for which license application is made and which property is on the tax rolls of the City, or which is an agent or representative of a person, firm or corporation who owns, rents or leases property located within the City used primarily for the business for which license application is made, and which property is on the tax rolls of the City, shall pay the following license fees: \$25.00 per six month license, \$50.00 per one year license. There will be no proration of license fees. A license year shall run from January 1st to December 31<sup>st</sup> each year. Six month licenses can run for any consecutive six month period in one calendar year. If renting or leasing property, a valid lease must be provided.
- b. Every applicant for a license under this Chapter who does not own, rent or lease real estate located within the City used primarily for the business for which license application is made shall pay the sum of \$500.00 for a one year license issued under this Chapter. A license year shall run from January 1<sup>st</sup> to December 31<sup>s</sup> each year. Six month or daily licenses will not be issued under these circumstances. One license may be issued under this provision for operation in City Lot 10 (South Main and South Third Streets). Only one such license shall be issued during any given license year. Application for this license shall be submitted on or before November 1 for the following license year.

- c. Applicants for daily licenses shall pay a license fee of \$5.00 per day.
- d. If more than one qualified application is received for a given year for the license in City Lot 10, the Planning Commission will employ a closed bidding system with a minimum bid of \$500.00 to determine which application should be approved.

5. Exhibition of License.

Licensees are required to exhibit their certification of license during hours of operation.

6. License Revocation.

- a. Licenses issued under the provision of this Chapter may be revoked by the Plan Commission after notice and hearing, for any of the following causes:
  - 1. Acts by the license holder or the employees or agents of the license holder.
  - 2. Fraud, misrepresentation or incorrect statement contained in the application for license;
  - 3. Fraud, misrepresentation or incorrect statement in the course of carrying on his/her business as mobile merchant;
  - 4. Any violation of this Chapter;
  - 5. Conviction of any crime or misdemeanor;
  - 6. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a danger to the health, safety or general welfare of the public.
  - 7. Failure to use the license and/or conduct business as a mobile merchant for thirty (30) consecutive days or more.
- b. Notice of the hearing of a revocation of a license shall be given by the City Clerk in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

7. License – Re-Application.

No licensee whose license has been revoked shall make further application until a period of at least six (6) months has elapsed since any previous revocation.

8. License – Term.

A license year shall run from January 1<sup>st</sup> through December 31<sup>st</sup> each year. Six month licenses can run for any consecutive six months in one calendar year and can be applied for only once per calendar year.

**C. Regulations for Outdoor Merchandise Sales.**

Mobile merchants wishing to operate other than those exempt in Section B – 1(b) of this ordinance, may conduct business only on private property in the **C-1, C-2, C-3, C-5, M-1 and M-2** Zoning Districts. There shall also be one space available in City Lot 10 (South Main and South Third Streets) in which mobile merchants may operate. That space will be designated by the City. In addition to all other regulations provided by this Chapter, mobile merchants shall be subject to the following regulations:

1. Vending may not begin until 7:00 a.m., and shall conclude by 10:00 p.m., with the exception that vending in M-1 and M-2 zones may be conducted 24 hours per day.
2. No vending equipment may be located neither within 10' of a marked crosswalk or curb cut nor within 15' of a fire hydrant or Fire Department connection.
3. The individuals conducting the sales shall be responsible for the cleanup of the site and any debris or litter in the immediate area caused by the operation. Vendors shall provide a waste basket for use by customers at their sales location.
4. The individuals and the organization conducting the sales shall be responsible for complying with all applicable rules and regulations provided for in this section.
5. All equipment used at the vending site shall be in a clean and sanitary, hazard free condition and maintained in a presentable appearance and in good repair.
6. Noise emanating from vending sites shall be kept to a minimum, shall not be directed towards the street or sidewalk and shall be 80 decibels or below as measured at a distance of twenty (20) feet.
7. No audio or video equipment such as speakers or video display monitors shall be allowed.

**E. Enforcement.**

It shall be the duty of the police and/or Building Inspector of the City to require any business that is not known by such officer to be duly licensed, to produce his/her license and to enforce the provisions of this Chapter against any person found to be violating the same.

**F. Report of Violation.**

The Chief of Police shall report to the City Clerk, all convictions for violation of the Chapter, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

**G. Appeals.**

Any person aggrieved by the action of the City in the denial or revocation of a license, shall have the right to appeal to the Common Council of the City. Such appeals shall be initiated by filing with the Common Council within fourteen (14) days after notice of the action in question. The filing should contain a written statement setting forth fully the grounds for the appeal. The Common Council shall set a time and place for a hearing on such appeal and the notice of such hearing shall be given to the appellant.

**H. Forfeitures.**

Violations of this ordinance shall result in penalties pursuant to Sec. 1-10 of the City's Code of Ordinances.

## **ARTICLE 15-9 ACCESSORY USES, BUILDINGS AND STRUCTURES**

### **15.9.1 GENERAL PROVISIONS**

**A. Number Limited**

There shall be no more than one (1) accessory building per lot in R-1 and R-2 zoning districts in addition to an attached or detached garage.

**B. Location**

In all residential districts, accessory buildings that are not attached to the principal building shall not be located in the front yard and must be set back a minimum of three (3) feet from side and rear lot lines. Accessory buildings shall be located in the rear yard of corner lots and shall be set back from the side street line not less than fifteen (15) feet. In cases where the rear lot line of the corner lot abuts the side lot line of an adjacent lot, accessory buildings are subject to an additional requirement. They shall be set back from the side street lot line not less than the front setback of any building situated on the adjacent lot and not less than that side yard setback of the principal building on the lot on which the new accessory building is situated, whichever is greater.

**C. Attachment of Accessory Buildings to Principal Buildings**

When accessory buildings are attached to principal buildings by a breezeway, passageway, or similar means, they become part of the principal building and shall comply with all lot coverage, setback, height, and any other requirements for the principal building.

**D. Limits on the Size and Height of Accessory Buildings**

In no case shall an accessory building exceed the size or height of the principal structure on a given lot.

**E. Accessory buildings in residential districts**

Accessory buildings in residential districts shall not exceed 864 square feet in area.

**F. Design of Accessory Buildings over 120 square feet**

Accessory buildings with over 120 square feet of floor area shall match the design of the principal building with regard to color, siding materials, roof materials, and roof pitch unless an exception is granted by prior review of the Plan Commission.

### **15.9.2 GARAGES**

**A. Permit Required**

No person shall construct a garage nor shall construction commence before a permit is issued pursuant to this Section.

**B. Application for Permit**

Application for the construction of a garage shall be submitted to the Building Inspector by the owner of the lot or parcel or by the occupant thereof with the owner's written consent. The application shall be accompanied by a scaled drawing showing the proposed location of the garage and all adjacent structures on the subject property.

**C. General Requirement for Garages**

1. Detached garages shall be located only within side or rear yards and not closer than three (3) feet to a side or rear property line.
2. Detached garages shall not exceed 864 square feet in floor area.
3. Attached garages must meet the height, setback, and size requirements of the principal structure for the zoning district in which it is located.
4. Detached garages shall not exceed 20 feet in height.

**15.9.3 POLE BUILDINGS**

**A. Conditional Use Permit Required**

In residentially zoned districts all pole buildings with over 120 square feet of floor area require a conditional use permit pursuant to the standards of Section 15.8.8.

**B. Application for Conditional Use permit**

1. An application for the construction of a pole building shall be submitted to the Building Inspector by the owner of the lot or parcel or by the occupant thereof with the owner's written consent.
2. The application shall be accompanied by the following:
  - a. Architectural elevation drawings at a scale of 1/4" = 1'-0" depicting each side of the pole building and indicating materials and building dimensions.
  - b. A site plan at a scale of 1" = 40' showing the proposed location of the pole building and all adjacent structures on the subject property and on all lots abutting the subject property.

**15.9.4 DECKS**

**A. Permit Required**

No person shall construct a deck nor shall construction commence before a permit is issued pursuant to this Section.

**B. Application for Permit**

1. Application for the construction of a deck shall be submitted to the Building Inspector by the owner of the lot or parcel or by the occupant thereof with the owner's written consent.
2. The application shall be accompanied by a scaled drawing showing the proposed location of the deck and all adjacent structures on the subject property.

**C. Location Requirements**

1. Decks are not permitted in front yards, either wholly or in part.
2. Decks in side and rear yards shall be located as follows:
  - a. On lots sixty or more feet in width, decks shall be located a minimum of five (5) feet from property lines.
  - b. On lots less than sixty feet in width, decks shall be located a minimum of three (3) feet from property lines.
  - c. Decks constructed in a street side yard shall be located a minimum of fifteen (15) feet from the street side property line.

## **15.9.5 SWIMMING POOLS**

### **A. Compliance**

A permit shall first be required before any swimming pool, either residential or non-residential, is installed, enlarged or altered.

### **B. Permit Application**

1. All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Building Inspector for examination and approval as to proper location and construction.
2. The plans shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately show all lot lines, and all information pertaining to the location of the pool, walk, deck, fence construction, utilities, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool and utilities.

### **C. Location**

1. No portion of a swimming pool outside a building, including a surrounding deck and fence, shall be located in a front yard or street side yard nor less than eight feet from any side or rear property line.
2. Pumps, filters and pool water disinfecting equipment installations and all other accessories shall be located at a distance not less than eight feet from any side property line.
3. Such pool shall also comply with Wisconsin Administrative Code, Section H62.20 and with any local regulations with respect to the distances from an on-site sewage disposal absorption system.

### **D. Maximum Pool Size**

No pool, together with its deck area, shall result in exceeding the maximum allowable lot coverage for the district.

### **E. Safety Features**

No swimming pool shall be installed or maintained unless:

1. There shall be erected and maintained a sound and secure fence not less than four (4) feet in height completely surrounding the pool or surrounding the yard in which the pool is located.
2. In lieu of a fence, the Building Inspector may, on a case-by-case basis, approve other measures designed to prevent unauthorized access to the pool.
3. Every gate or other opening in the fence enclosing such pool, except an opening to the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool. All such gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.
4. Vertical and horizontal clearances from nearby overhead and underground electrical lines as specified by the electrical utility shall be complied with when pool location is determined.

**F. Control of Pool Lighting**

No lighting may be installed in connection with the pool which shall throw any direct or reflected rays beyond the property lines.

**G. Water Drainage**

No water drained from a pool shall be discharged over or into neighboring property. It shall be discharged into a storm sewer system where available.

**15.9.6 FENCES**

**A. Permit Required**

No fence, except those fences not requiring a permit, shall hereinafter be constructed, located, moved, reconstructed, extended or enlarged without a permit. This provision does not require a permit for normal maintenance of existing fences.

**B. Appearance Requirements**

1. All fences, whether or not requiring a permit, shall be installed to present the decorative or nonstructural side outward to face adjacent public rights-of-way or to face adjacent private properties.
2. No advertising, election campaign, or commercial signage shall be displayed or painted on any fence in any district.
3. Fence posts may extend no more than six (6) inches above the top edge of a fence.

**C. Locational Requirements**

Reference in provisions in this chapter referring to “on the property line” or “up to the property line” shall mean adjacent to but not overlapping the property lines, including not obscuring vision lines to surveying pipes marking said property line.

**D. Fences Allowed Without a Permit**

The following fences are allowed as specified without a permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:

1. Decorative fences not exceeding three (3) feet in height nor sixteen (16) feet in total length shall be permitted in all districts. Such fences shall be at least 50% open.
2. Privacy screens not exceeding six (6) feet in height shall be permitted in all districts. Such screens shall be located in conjunction with a patio, deck or pool and comply with all locational requirements for that use.
3. A snow fence shall be permitted in all districts when comprised of wooden pickets bound together by wire or plastic mesh and not exceeding four (4) feet in height and removed between April 1 and November 1 of each year. No privately owned snow fence shall extend into the public right-of-way.
4. Fences in the C-1 District necessary for agricultural operations shall be permitted provided that they do not extend into the public right-of-way.

**E. Fences or Walls for Which a Permit is Required**

1. In residential and commercial districts, fences or walls are permitted up to the property line as follows:
  - a. Fences not exceeding four (4) feet in height may be located in front or street side yards. Such fences shall be a minimum of 50% open.
  - b. Fences not exceeding six (6) feet in height may be located in side or rear yards.
  - c. Fences not exceeding four (4) feet in height may be located in the required rear street yard of a double frontage lot. Such fences shall be a minimum of 50% open.
  - d. Fences or walls using barbed or similar security or sharp top spikes are not permitted in residential districts.
2. Manufacturing district requirements
  - a. Fences or walls not exceeding ten (10) feet in height may be placed on interior side and rear property lines, but shall not extend into the public right of way. Such fences shall not extend into a front or street side yard. (07/06)
  - b. Fences not exceeding six (6) feet in height may be located in front yards and street side yards. Such fences shall be a minimum of 50% open.
  - c. That portion of any fence which has barbed wire or similar features shall be a minimum of six (6) feet above grade.
  - d. Screening fences around salvage yards as required under 15.9.8 (C) are exempt from these requirements, however Plan Commission approval is required.
  - e. Screening fences around dumpster storage areas are exempt from these requirements, however Plan Commission approval is required.
3. Fences to be installed around swimming pools shall be governed by the provisions of permits for pools.
4. Any fence installed along a driveway shall be at least 50% open and no more than four (4) feet high.

**15.9.7 TEMPORARY USES AND STRUCTURES**

The following uses of land are subject to the specific regulations and time limits specified below in addition to the regulations of the district in which the use is located.

**A. Christmas tree sales**

1. Christmas tree sales are only permitted in business and industrial districts.
2. Christmas tree sales are permitted in these districts for a period not to exceed 60 days.
3. Display of Christmas trees need not comply with the yard and setback requirements of this chapter, provided that no tree shall be displayed within the vision triangle as stipulated under 15.10.3.

**B. Contractor's offices and equipment sheds or trailers**

1. Shall not contain sleeping or cooking accommodations.
2. Must be accessory to the construction project.
3. May only be used for the duration of such project. Upon completion of a project, the shed or trailer must be removed.

**C. Model homes or real estate offices**

1. Shall contain no sleeping or cooking accommodations unless located in a model dwelling unit.
2. The model home or real estate office must be incidental to a new housing development.
3. The use of the model home or real estate office may continue only until all dwelling units in the development are sold.

**D. Seasonal sale of farm produce**

1. The sale of seasonal farm produce is permitted in any district, except in the R-1 and R-2 residential districts.
2. Seasonal sale of farm produce shall not continue for more than four (4) months per year.
3. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved to a location approved by the Building Inspector at the end of the season during which they are used.

**E. A carnival or circus**

Use for a carnival or circus is permitted only with approval by the Common Council.

### **15.9.8 UTILITY LOCATIONS**

The following public utility uses may be permitted in any district:

1. Telephone and telegraph distribution and inter-city transmission poles and lines and necessary mechanical appurtenances including equipment housing structures and towers;
2. Electric distribution poles and lines and power transmission poles and lines and necessary mechanical appurtenances including equipment housing, structures, and towers, provided however, that when an electric utility proposes a main inter-city facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before construction shall file with the Plan Commission a mapped description of the route of such line.
3. Public utility installations other than those listed in 1 and 2 above existing in residential districts prior to the passage of this Code shall be permitted uses, provided that any additions to or replacement of such existing installations shall be subject to approval by the Plan Commission as to location, building and site plan and plan of operations.
4. Public utility installations other than those listed in 1 and 2 above may be located in any district; however, the location of such facility in a residential district shall be subject to the approval of the Plan Commission and the following requirements shall be complied with:
  - a. The location must promote the public convenience and welfare.
  - b. Any building or structure, except an enclosing fence, shall be set back at least fifty feet (50') from any property line.
  - c. Such facility shall be enclosed by a protective fence.
  - d. Open space on the site shall be landscaped and maintained.
  - e. Storage of vehicles and equipment on site shall be prohibited.
  - f. The surrounding area shall not be adversely affected and shall be protected from noise, odor, glare, dust, fumes, gas, smoke and vibrate by such suitable means as the Plan Commission may specify.

### **15.9.9 OUTDOOR STORAGE OF MATERIALS AND VEHICLES**

#### **A. Purpose**

For the purposes of maintaining a satisfactory visual appearance within the City, promoting harmony between residential neighbors, preventing an adverse effect on property values and public health and safety, and preventing the accumulation of materials and inoperable vehicles which may be unsightly, outdoor storage shall be regulated as described in this section.

#### **B. Unsightly or Unsanitary Materials**

No unsightly or unsanitary materials such as manure, rubbish, salvage material or miscellaneous refuse may be stored in the open within any district.

**C. Salvage Yard Shall be Screened**

Salvage and junk yards shall be screened and enclosed around their entire perimeter by either a solid fence, or a combination of a solid fence and buildings, of a height sufficient to screen scrap materials, and such fence shall be no less than eight (8) feet high. Plan Commission approval is required for such fences.

**D. Firewood Storage**

In residential districts, firewood for personal use shall be stored only in rear yards and shall be neatly stacked not higher than four (4) feet from grade and located not closer than three (3) feet to any lot line. Wood piles containing diseased wood which may transmit disease to healthy trees, or wood piles inhabited by rats or other vermin are public nuisances and shall be abated.

**E. Unlicensed, Unregistered, or Inoperable Vehicle Storage**

It is unlawful to park or store any unlicensed, unregistered, or inoperable vehicle, or parts or components thereof, on any property, public or private, unless housed within a building. For the purpose of this section, an inoperable vehicle shall be defined as in Wisconsin Statutes. Any violation of this Ordinance shall constitute a public nuisance.

**F. Recreational Vehicles, Boats**

One (1) recreational vehicle, camping trailer, boat on a trailer, or similar recreational vehicle may be stored outdoors on a residential lot in the front yard driveway, or immediately off the driveway, but shall not be stored in front of the residential dwelling. Additional recreational vehicles that are owned or used by occupants of the premises shall be stored in the rear yard, or in an interior side yard, and parked not closer than five (5) feet from any lot line, or stored inside a garage.

**G. Commercial Vehicles and Equipment Prohibited**

In residential districts, the only vehicles other than a passenger car or passenger van that may be parked in a driveway are semi-tractors and trucks less than one ton in capacity. Only one semi-tractor or one truck less than one ton capacity may be parked in the driveway. All other commercial vehicles such as trucks more than one ton in capacity, trailers, or equipment such as welders and generators shall not be parked in the driveway or elsewhere outdoors on the lot or property.

**H. Yard Maintenance**

1. All yard areas shall be maintained in a clean and sanitary condition, free from debris, brush, severed tree limbs, felled trees, rubbish or garbage, and physical hazards.
2. No interior household items, such as appliances, furniture, furnishings, or parts or components thereof, may be stored on any private property unless stored within a building.
3. No litter, garbage, junk or other refuse shall be allowed to accumulate on a property so that there is a risk of insect or rodent problems.
4. No yard areas shall be used for vehicle parking unless such areas are surfaced as legal driveways or parking areas.
5. Driveways, walks, and parking areas shall be maintained in a safe, sanitary and substantial condition.

## **ARTICLE 15-10 GENERAL DEVELOPMENT STANDARDS**

### **15.10.1 PARKING, LOADING, DRIVEWAYS, AND ACCESS**

**A. Off-Street Parking: C-5 District Exemption**

The C-5 district is exempt from the provisions of 15.10.1 (B and C), with the exception that off-street parking facilities must be provided for each added residential unit in accordance with the schedule below.

**B. Off-Street Parking General Requirements**

Off-street automobile parking spaces must be provided in accordance with the following minimum requirements at the time of construction. The Building Inspector is authorized to make a preliminary determination for all uses not specifically enumerated and has the discretion to refer any such requests for Plan Commission approval. On-street parking spaces wholly adjacent to the property may be included in the required minimum.

**Minimum Off-Street Parking Requirements**

<b>Use</b>	<b>Number of Stalls Required</b>
Boarding and rooming houses	One (1) space for each two (2) beds
Clubs, lodges, and all similar places providing overnight accommodations	Two (2) spaces for each bedroom, plus one (1) space for each five (5) active members
Dwellings	Two (2) spaces per single family unit. One and one-half (1-1/2) spaces per dwelling unit for all other dwellings
Hospitals and all similar institutions	One (1) space for each three (3) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees (including nurses) per shift
Hotels, motels, tourist courts, bed and breakfast facilities	One (1) space for each guest bedroom or trailer space plus one (1) additional space for a resident manager or owner
Automotive service and repair establishments	One (1) space for each regular employee plus one (1) space for each two hundred and fifty (250) square feet of floor area used for mechanical or body repair work
Bowling alleys	Five (5) spaces for each alley
Churches and other places of worship	One (1) space for each five(5) seats in main auditorium.
C.B.R.F.s, adult family homes and other community living arrangements	One (1) parking stall be provided for each resident sixteen (16) years of age or older, plus one (1) stall for each employee working at the facility during the most heavily staffed shift

Retail and business establishments under 20,000 square feet, including personal service shops, equipment or repair shops, gasoline service stations, automotive sales, and banks or other financial institutions	One (1) space for each two hundred (200) square feet of the first floor area plus one (1) space for each two hundred fifty (250) square feet of floor area above the first floor excluding all areas used for storage only
Retail and business establishments over 20,000 square feet, including personal service shops, equipment or repair shops, gasoline service stations, automotive sales, and banks or other financial institutions	One (1) space for each two hundred fifty (250) square feet of floor area
Medical, dental and health offices and clinics	One (1) space for each one hundred fifty (150) square feet of floor space used for office, patient treatment or similar purposes
Office buildings, including business, commercial governmental and professional offices and buildings, but excluding medical, dental and health offices and clinics.	One (1) space for each two hundred fifty (250) square feet of floor area used for office or similar purposes
Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, auditoriums, dance halls, pool rooms, theaters, stadiums, amusement parks, fairgrounds, undertaking establishments and funeral homes, community centers, and all similar place of public assembly	One (1) space for each seventy-five (75) square feet of floor or ground area used for amusement or assembly
Restaurants, bars, grills, cafes taverns, night clubs, lunch counters, diners, and all similar eating and/or drinking establishments	One (1) space for each one hundred (100) square feet of floor area provided for patron use
Wholesale, commercial, manufacturing buildings and yards, public and industrial, and storage utilities buildings, contractor equipment and building material sales yards, lumber yards, research laboratories, terminal facilities, business service establishments such as blueprinting and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile, commercial, or industrial pursuits not catering to the retail trade	One (1) space for each two (2) employees for each of the first fifty (50) employees and one (1) space for each three (3) employees, plus one (1) space for each company vehicle operating from the premises.

**C. Increases in Capacity**

At the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area, seats, beds, members, or employees, off-street parking capacity shall be increased accordingly.

**D. Changes in Occupancy/Use**

1. When the use of a building, structure or land is changed to another use or occupant, additional parking spaces shall be constructed for the new use or occupant sufficient to conform to this section.
2. If a building or structure was erected prior to (the effective date of this Code), additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use.

**E. Potential Parking Reductions**

1. Upon the request of the applicant the Plan Commission may decrease the required number of off-street parking spaces based upon one or more of the following criteria:
  - a. Technical documentation furnished by the applicant which indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in Table 15.10.1 (B).
  - b. Cumulative parking requirements for mixed-use occupancies or shared facilities may be reduced where it can be determined that the peak requirements of the several occupancies occur at different times (either daily or seasonally) provided:
    - i A shared parking operations plan is prepared to the satisfaction of the Plan Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is provided if appropriate, and pedestrian links are direct and clear.
    - ii Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.
    - iii If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" shall be filed with the City of Fort Atkinson for consideration by the Plan Commission. Unless explicitly stated to the contrary, the property owner of the parking facility accepts responsibility for operating, maintaining and accepting liability for personal injury and property damage.
  - c. Bicycle parking facilities will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
  - d. A public transportation route is located within five hundred feet of the property.
2. In the event that the number of required off-street parking spaces is reduced as allowed under Section 15.10.1 (E)(1) above, the Plan Commission may, at its discretion, also require that sufficient area on the property be held in reserve for the potential future development of off-street parking to meet the requirements of Table 15.10.1 (B). If required by the Building Inspector or the Plan Commission, such reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with off-street parking spaces when the City determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations, of the loss of bicycle or public transit access or facilities. The property owner or applicant shall provide the City with a financial surety in a form acceptable to the City Attorney in an amount of one hundred twenty-five percent of the cost to construct the additional off-street parking spaces prior to the issuance of a Certificate of Occupancy.

**F. Size may be limited**

Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required under Table 15.10.1(B) shall be allowed only with specific and reasonable justification.

**G. Specifications and Surfacing of Parking Spaces**

1. The minimum dimensions of each required parking space shall be (9) feet wide by twenty (20) feet long, exclusive of any required access drives or aisles.
2. Each space shall be appropriately marked for automobile parking.
3. Each required parking space shall be connected with a public street or alley by a driveway which offers satisfactory ingress and egress for automobiles.
4. All parking areas, access drives and aisles shall be surfaced with asphalt or concrete pavement or concrete pavers.
5. Wheel stops shall be installed along all peripheral edges.

**H. Parking Spaces Accessible for the Disabled**

1. Any new, expanded, or resurfaced parking lot shall be in compliance with the requirements of the Americans with Disabilities Standards.
2. The minimum number of accessible parking spaces required shall be based on the following table:

<b>Total Number of Parking Spaces Provided</b>	<b>Minimum Number of Accessible Spaces</b>	<b>Van Accessible Spaces (96" wide access aisle)</b>	<b>Car Accessible Spaces 60" wide access aisle</b>
	Column A	Column B	Column C
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1000	2% of all spaces	12% of Column A	88% of Column A
1001 and over	20 plus 1 for each 100 spaces over 1000	12% of Column A	88% of Column A

Note: Column A represents the total overall number of required accessible spaces. Columns B and C are the breakdown of what type of accessible spaces are required.

**I. Requirements for Van-Accessible Parking Spaces**

1. All van accessible parking spaces shall have a minimum of a 96 inch access aisle to accommodate a wheelchair lift.
2. All van accessible parking spaces must have adequate vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the accessible parking space.
3. All van accessible parking spaces shall have a sign with the international symbol of accessibility placed so that it is visible to any vehicle parked in the space.

**J. Location of Parking Spaces**

1. All parking spaces required to serve buildings or uses shall be located on the same lot as the building or use served or within 300 feet of a main entrance to the use served, provided no off-street parking facilities for a business or industrial use shall be located in a residential district, except as allowed as a conditional use.
2. In residential districts, no parking spaces shall be located in a required front yard or a required side yard adjacent to a street. When parking is located in an interior side yard and no wall or fence is otherwise required, a five (5) foot green strip of grass and other plant material shall be maintained contiguous to the abutting property. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the district in which they are located.

**K. Lighting**

Parking areas subject to these requirements which provide lighting for new developments and for existing developments that are replacing, modernizing or remodeling existing buildings and facilities shall provide a lighting plan as detailed in Section 15.10.4(B).

**L. Phasing**

Parking lots that are proposed for improvements under this section may be phased in accordance with a plan approved by the Plan Commission.

**M. Application to Existing Lots**

Application of these improvement standards to existing parking lots may be subject to adjustments relative to the shape and size of the existing lot and other existing conditions.

**N. Procedures**

Site plan review is required for new parking lots. The parking lot site plan shall be prepared in accordance with adopted site plan guidelines as listed in Section 15.4.3. It shall include grading and drainage information and proposed landscaping features, indicating the location, size and species of proposed landscaping, and shall also show existing trees and landscaping that are to be retained. The parking lot site plan requirements under this section may be incorporated into a master site plan for initial approval of a project.

**O. Off-Street Loading**

Commercial or industrial buildings requiring the receipt and distribution by vehicles of materials or merchandise must provide sufficient off-street loading space so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

1. Enlargements

The off-street loading requirements above shall also apply at any time any such building is enlarged or increased in capacity by adding floor area and such requirements shall apply to the enlarged or increased portion only.

2. Size

Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and forty-eight (48) feet in length; provided, however, that, the City Building Inspector may reduce the minimum length to thirty-five (35) feet if it is demonstrated that the loading space will be used exclusively by shorter trucks.

3. Connection to Street or Alley

Each required off-street loading space shall have direct access to a street or alley or by a driveway which offers satisfactory ingress and egress for trucks.

4. Surfacing

The surfacing of all off-street loading spaces shall be asphalt or concrete of sufficient strength to withstand the traffic of vehicles using them.

**P. Driveways**

Except for the paving of driveways existing prior to the effective date of this chapter, all driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

1. Spacing
  - a. Driveways on lots platted prior to adoption of this code shall be exempt from the spacing requirements set forth in this section.
  - b. In all districts, except single and two family districts, spacing between driveway approach openings shall be provided with a minimum of sixteen (16) feet between all driveway approaches and eight (8) feet from side lot lines.
  - c. Driveways and driveway approaches in single and two family districts shall be located a minimum of three (3) feet from side lot lines.
  - d. Driveway spacing is not required between adjacent lots on a cul-de-sac or between vacant substandard lots.
  - e. Drive openings and approaches shall maintain a six (6) foot clearance to fire hydrants.
  - f. Only one driveway is permitted on each residential lot unless prior approval is given by the Plan Commission.
2. Parking Slabs

No parking slab shall be located in the front yard of any single or two-family residence nor shall they encroach on the public right-of-way.
3. Approach Width and Paving
  - a. Driveways shall not exceed 24 feet in width at any point unless approved by the Plan Commission.
  - b. All such openings located within the public street right of way shall be paved with six (6) inch thick six (6) bag mix concrete.
  - c. All driveway approaches shall be located within that portion of the public right of way area bounded by an extension of the side lot lines. Driveways on lots platted prior to the adoption of this code are exempt from this requirement.
  - d. For driveway approaches on cul-de-sacs, approval of the Plan Commission is required if the above requirements cannot be met.
4. Spacing Near Pedestrian Entrances

Driveways to drive-in banks or motels, funeral homes, vehicular sales, service, washing and repair stations, garages, or public parking lots shall not be less than 50 feet from any main pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.
5. Surfacing
  - a. All one or two family homes, either completed or occupied for the first time after adoption of this Code, shall be required to have a concrete, asphalt or brick paver driveway installed within one (1) year or the following construction season after occupancy.
  - b. Industrial, commercial, institutional, multiple-family residential and other uses shall provide asphalt or concrete driveways in accordance with site plans approvals.

**Q. Access Control, Driveway Spacing, Frontage Roads**

1. No direct private access shall be permitted to the existing or proposed right of way of expressways nor to any controlled access arterial or collector street without permission of the highway agency that has access control jurisdiction.
2. No direct public or private access shall be permitted to the existing or proposed rights of way of the following:
  - a. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right of way lines.
  - b. Local streets intersecting arterial or collector streets within 50 feet of the intersection of the right of way lines.
  - c. Local streets intersecting local streets within 30 feet of the intersection of the right of way lines.
3. Temporary access to the above rights of way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.
4. Driveway spacing for developments other than residential along existing and planned arterial streets or highways, as identified in the adopted City Master Plan or component thereof, should be determined as a function of operating speed. Where adequate lot width permits, the minimum spacing between driveways should be determined by the following schedule:

<b>Speed Limit (M.P.H.)</b>	<b>Minimum Spacing Between Driveways (In feet)</b>
25	100
30	125
40	185
45	230
50	275

5. Along arterial streets or highways, driveways on opposite sides of these roadways should be directly opposite each other where possible or separated by at least 100 feet of lateral distance.
6. Frontage roads or interior access roads should be utilized to minimize the number of direct access points to arterial streets or highways.
7. Property owners shall dedicate land for frontage roads as required by the Plan Commission.
8. The Plan Commission is authorized to vary the above driveway requirements in appropriate situations.

## **15.10.2 LANDSCAPING AND BUFFERYARD REQUIREMENTS**

### **A. Purpose and Intent**

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, and storm water runoff reduction.
2. To ensure that the local stock of native trees and vegetation is preserved and replenished.
3. To provide visual buffering between different land uses.
4. To enhance the beauty and overall appearance of the City of Fort Atkinson and preserve the economic base attracted to the City of Fort Atkinson by such factors.

### **B. Applicability**

All multi-family and non-residential developments shall be landscaped in accordance with this section and shall submit a landscaping plan as part of the required site plan.

### **C. General Provisions**

1. Landscape Plans
  - a. The Plan Commission or designee shall approve all landscaping plans before an applicant may install any landscaping.
  - b. All landscaping plans shall include a site plan drawn to scale illustrating the proposed location of new plantings and the location of any existing plantings.
2. Fiscal Security
  - a. At the time of final execution of a Certified Survey Map, Subdivision Plat, Site Plan or other development agreement with the City, the owner is required to make a fiscal arrangement either by bond, certificate of-deposit or letter-of-credit with the City, to ensure that the owner is in full compliance with landscape installation and maintenance requirements.
  - b. To ensure compliance with the landscape installation requirements a fiscal security shall be required in an amount calculated in accordance with the rates posted in the office of the Building Inspector. The fiscal arrangements shall reflect the cost of required landscaping, both plants and labor, to ensure that such landscaping is installed.
  - c. Should the City have to provide for full compliance, the applicant will forfeit the fiscal deposit. Such fiscal arrangements shall be released when landscape improvement verification and compliance is received.
3. Return of Fiscal Security
  - a. When it is determined that the landscaping has been installed and maintained during its establishment in accordance with an approved landscape plan, the City of Fort Atkinson shall return the surety to the applicant.
  - b. The Building Inspector shall perform the final inspection of the site to ensure adherence to the Landscape Plan and required installation techniques per this ordinance. The property owner will be required to provide a copy of the guarantee letter provided by the landscaping firm before the fiscal security will be released.

**D. New Plant Materials**

In order to assure adequate growth and survival of new plantings, all landscape plans shall utilize only native or adapted plants that reflect the surrounding plant materials and environment. A list of suggested plants is available from the office of the Building Inspector.

**E. Tree Installation Requirements**

New trees shall be properly planted in accordance with recommended planting procedures as described in "Principles and Practice of Planting Trees and Shrubs" published by the International Society of Arboriculture.

**F. Existing Plant Materials**

Healthy, existing trees and shrubs shall be incorporated into the landscape to the maximum extent feasible.

**G. Plant Protection**

All planting beds shall be provided with weed barriers, mulched, and provided with a permanent edge or curbing.

**H. Species Mix**

To prevent uniform insect or disease susceptibility on a development, in an adjacent area or within a district, species diversity is required and extensive monocultures are prohibited. All possible efforts should be made to incorporate diverse species within each sub-area of a site, for example a bufferyard. The following minimum requirements shall apply to any development besides single and two family residential homes:

<b>Number of Trees on Site</b>	<b>Maximum Percentage of any One (1) Species</b>
10-19	50%
20-39	40%
40-59	30%
60 or more	20%

**I. Plant Sizes**

At the time of installation, plantings required by this section shall be no smaller than the following:

1. Deciduous Trees
  - a. A minimum of 50 percent of the proposed deciduous trees shall have a minimum size of 4 inches DBH.
  - b. All remaining deciduous trees shall have a minimum size of 2 inches DBH.
2. Evergreen Trees
  - a. A minimum of 50 percent of the proposed evergreen trees shall have a minimum height of 8 feet.
  - b. All remaining evergreen trees shall have a minimum height of 6 feet.
3. Ornamental Trees

All ornamental trees shall have a minimum size of 2 inches DBH.
4. Shrubs

All shrubs shall be from 5 gallon or greater planters.

**J. Plant Quality**

1. All plants shall meet the standards of "American Standard of Nursery Stock," ANSI Z60.1-1996, American Association of Nurserymen specifications for Number 1 Grade and shall be of normal health, height and leaf density, and shall be free of any defects.
2. Plants shall meet all requirements of federal, state, and local law with respect to plant type, labeling, nursery or plant inspection, disease, insect, and other pest infestation, and any other requirements.

**K. Plant Quantity**

1. All multi-family and non-residential land uses shall install at least 1 tree and 3 shrubs for every 3,600 square feet of lot area covered by open space. This landscaping shall be in addition to any parking lot perimeter requirements or bufferyard requirements set forth in this chapter. This landscaping may be credited toward the parking interior landscaping requirements set forth in this chapter.
2. A minimum of 60 percent of the required landscaping shall be located in the front yard.
3. Trees shall be placed in a manner that is consistent with guidelines found in "Principles and Practice of Planting Trees and Shrubs" published by the International Society of Arboriculture. On private property at a minimum they should be no closer than 7 feet from any structure and shall be installed with at least 50 square feet of non-paved area around the trunk.
4. Planting beds may contain a combination of living plant materials and mulch. However, living plant materials shall comprise no less than 50 percent of the required planting beds at maturity.
5. Plant materials shall be located to enhance views from public streets and sidewalks.
6. Any existing trees and shrubs that shall be preserved and are protected during construction shall be credited against this landscaping requirement.

**L. Parking Lot Landscaping Requirements**

With the exception of the C-5 district, all multi-family, commercial, and industrial developments and all off-street parking areas for six (6) or more vehicles or larger than 2,000 square feet in area constructed after the adoption of this Code, shall provide landscaping as follows:

1. On-site perimeter greenbelts of at least ten (10) feet in width shall be installed along the street frontage and along all interior lot lines. The street frontage shall contain dense landscape screening which provides plantings of at least 12 inches high at planting and 30 inches high at maturity.
2. Perimeter edges should be visually screened with a combination of plant material and earth berming or fencing. The perimeter landscape strip along interior lot lines shall contain a minimum of one tree or shrub for each 15 feet of perimeter to be planted in effective groupings within said strip. The remainder of the strip shall be planted in grass, ground cover or other effective landscape treatment and be designed to not obstruct sight distance at entry drives.
3. Perimeter greenbelt landscaping may be omitted along side lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access driveways.
4. Any perimeter greenbelt adjacent to a residential district shall provide a visual screen consisting of a hedge, wall or decorative fence not less than five (5) feet in height.
5. Parking lots for more than 100 vehicles shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every twenty (20) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred (300) square feet in area. Landscaped medians shall also be used to break large parking areas into smaller pods, with a maximum of one hundred (100) spaces in any one pod.
6. Parking lots for buildings greater than 20,000 square feet in area are subject to additional regulations under Section 15.8.4 (J).

## **M. Bufferyard Requirements**

### **1. Purpose and Intent**

The intent of the bufferyard requirements is to provide visual screening between incompatible land uses and reduce the detrimental impacts of adjacent incompatible uses.

### **2. General Provisions**

- a. The bufferyard may be situated within the required setback, and may overlap greenbelts required under the previous section, 15.10.2 (L). Where the degree of stipulated landscaping may differ, the greater requirement shall hold.
- b. In situations where the minimum setback is insufficient to accommodate the mandated bufferyard, the bufferyard requirement must be met.
- c. Bufferyards shall be located between incompatible uses which they are required to screen.
- d. With the exception of the C-5 district, bufferyards shall be required for all new multi-family, commercial, public, semi-public, and industrial development in the City of Fort Atkinson.
- e. No parking lots, structures, storage areas, or dumpsters may be located in the required bufferyard.
- f. Signage, decorative fencing, driveways and decorative masonry walls may be permitted in the bufferyard if it is determined by the Building Inspector that such structures will not detract from the intended purpose and function of the Landscape Buffer.
- g. An earth berm with a minimum height of 4-feet shall be required in all 25 and 40-foot bufferyards unless it is determined, by the Building Inspector, that engineering, physical, or natural resource limitations preclude their construction.
- h. All plantings in the required bufferyard shall meet the installation, maintenance, and species mix requirements established under Sections 15.10.2 (G) through 15.10.2 (J).

### **3. Bufferyard Determination**

Minimum bufferyard requirements are expressed in terms of width. Specifically, this Ordinance provides for four bufferyards: a 10 foot bufferyard, a 15 foot bufferyard, a 25 foot bufferyard and a 40-foot bufferyard. Bufferyard requirements – whether a 10-foot, 15-foot, 25-foot or 40-foot bufferyard - shall be based upon the character and intensity of adjacent uses. Table 15.10.2 (M)(3) provides the minimum required bufferyard between adjacent uses. Table 15.10.2 (M)(4) provides the minimum required plantings per 100 linear feet for each of the four types of bufferyards.

**Table 15.10.2 (M)(3) Bufferyard Width Determination Table**

<b>Adjacent Use</b>	<b>Proposed Use</b>					
	<b>1 or 2 Family Residential</b>	<b>Multi-Family Residential</b>	<b>Public or Semi-Public*</b>	<b>Commercial (Less than 20,000 square feet)</b>	<b>Commercial (20,000 square feet or greater)</b>	<b>Industrial</b>
<b>1 or 2 Family Residential</b>	None	10 feet	10 feet	15 feet	25 feet	40 feet
<b>Multi-Family Residential</b>	10 feet	None	10 feet	10 feet	25 feet	40 feet
<b>Public or Semi-Public</b>	10 feet	10 feet	None	15 feet	25 feet	25 feet
<b>Commercial (Less than 20,000 square feet)</b>	10 feet	15 feet	15 feet	None	10 feet	15 feet
<b>Commercial (20,000 square feet or greater)</b>	15 feet	25 feet	25 feet	10 feet	None	15 feet
<b>Industrial</b>	40 feet	40 feet	25 feet	15 feet	15 feet	None

\* Public and semi-public buildings include municipal buildings, schools, churches, libraries, parks, museums, recreation clubs (YMCA, etc), and any other similar use as determined by the building inspector.

4. **Minimum Planting Requirements**

For every 100 lineal feet along a required bufferyard, the following number of plants shall be provided:

**Table 15.10.2 (M)(4) Minimum Planting Requirement Table**

<b>Width of Required Bufferyard</b>	<b>Minimum Number of Deciduous or Ornamental Trees</b>	<b>Minimum Number of Evergreen Trees</b>	<b>Minimum Number of Shrubs</b>
<b>10 Feet</b>	3	None	3
<b>15 Feet</b>	6	3	9
<b>25 Feet</b>	12	8	18
<b>40 Feet</b>	15	12	14

5. **Additional Landscape Treatment**

All required landscape buffers not dedicated to trees, shrubs, or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including sand, rock, or pavement.

### 15.10.3 VISION CLEARANCE AT INTERSECTIONS

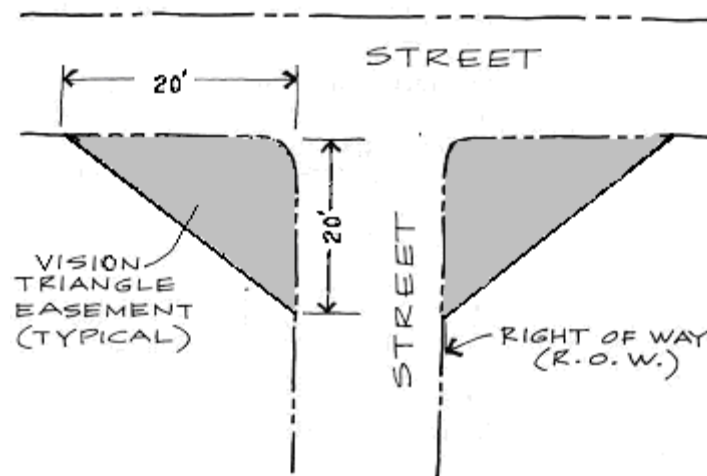
#### A. Purpose and Intent

To provide clear vision for motorists at intersections where grade is not separated, there shall be a vision clearance triangle at the intersection of any streets with railroads, alleys, or non-residential driveways.

#### B. Vision Triangle Requirements

1. The vision clearance triangle shall be determined by measuring 20 feet along the right-of-way, property lines, or driveway centerlines starting from the point of intersection of said lines, and connecting these two points with a line to define a triangular area. The City Engineer may adjust the vision clearance triangle configuration where physical site conditions exist that may adversely affect public safety.
2. In the vision clearance triangle, no structures of any kind or landscaping or parked vehicles shall be permitted between three (3) feet and ten (10) feet above the centerline grade elevations of the intersecting streets, alleys or railroad tracks.
3. Allowable installations in the vision clearance triangle are utility and light poles when no safer alternative location exists; trees or plant species with growth patterns that will not develop significant foliage to obstruct views in the clearance area; official signs and signals; and on-street parking when traffic controls exist which permit decreased sight lines.
4. The configuration of vision clearance triangles shall be depicted on the site plan, or subdivision plat, or certified survey map required for the subject property including a notation referencing these restrictions.
5. Exceptions to these vision clearance requirements include existing or new buildings or structures in the C-2 and C-5 Central Business districts; and buildings or structures existing prior to the date of this Ordinance or amendments thereto.

Figure 15-10-3 Vision Triangle Illustration



#### **15.10.4 LIGHTING STANDARDS**

**A. Exterior Lighting Plan Required**

At the time any exterior lighting fixture is installed or substantially modified, whenever a Site Plan Review application is made, and whenever a Conditional Use Permit is requested, an exterior lighting plan shall be submitted to the City of Fort Atkinson to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting. Single-family and two-family dwellings are exempt from this requirement.

**B. Lighting Plan Elements**

A Lighting Plan submitted pursuant to this Ordinance shall have, at a minimum, the following elements:

1. A catalog page, cut sheet, or photograph of the lighting fixture including the mounting method.
2. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution at all angles vertically and horizontally.
3. A plot plan, drawn to a recognized scale, indicating the location of the lighting fixture(s) proposed, mounting, and/or installation height in feet, the overall illumination levels (in foot-candles) and uniformities on the site, and the illumination levels (in foot-candles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
4. A graphic depiction of the lighting fixture lamp (or bulb) concealment and light cut-off angles.
5. In addition to the full-size drawings required above, one (1) copy of each such drawing submitted shall also be submitted in 11" x 17" black and white reduction.

**C. Shielding of Outdoor Light Fixtures**

All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 watts or less and other sources of 70 watts or less. Total cut-off luminaires with angles of less than ninety (90) degrees shall be required for all pole and building security lighting. At the discretion of the Plan Commission, more than the minimal level of shielding may be required.

**D. Illumination Levels**

All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) given below. In residential districts R-1, R-2 and R-3, the lighting level at any property line shall not exceed one foot-candle.

**Table 15.10.4 (D)**

Level of Activity	Examples	General Parking & Pedestrian			Vehicle Use Only		
		Avg	Min	Uniformity (Avg/Min)	Avg	Min	Uniformity (Avg/Min)
HIGH	Major Cultural or Civic Events Regional Shopping Centers	3.6 fc	0.9 fc	4:1	1.8 fc	0.6 fc	3:1
		60,000 lu <sup>1</sup>	15,000 lu <sup>1</sup>		30,000 lu <sup>1</sup>	10,000 lu <sup>1</sup>	
		750 W MH	185 W MH		375 W MH	125 W MH	
		750 W HPS	185 W HPS		375 HPS	125 W HPS	
MEDIUM	Community Shopping Centers Cultural, Civic or Recreational Events Office Parking Hospital Parking Transportation Parking Fast Food Facilities (Airports, Commuter Lots, Etc.) Residential Complex Parking	2.4 fc	0.6 fc	4:1	0.9 fc	0.3 fc	3:1
		40,000 lu <sup>1</sup>	10,000 lu <sup>1</sup>		15,000 lu <sup>1</sup>	5,000 lu <sup>1</sup>	
		500 W MH	125 W MH		185 W MH	60 W MH	
		500 W HPS	125 W HPS		185 W HPS	60 HPS	
LOW	Neighborhood Shopping Industrial Employee Parking Educational Facility Church Parking	250 W LPS	65 W LPS	4:1	90 W LPS	30 LPS	4:1
		0.9 fc	0.18 fc		0.45 fc	0.12 fc	
		15,000 lu <sup>1</sup>	3,000 lu <sup>1</sup>		7,500 lu <sup>1</sup>	2,000 lu <sup>1</sup>	
		185 W MH	35 W MH		90 W MH	25 W MH	
		185 W HPS	35 HPS		90 W HPS	25 W HPS	
		90 W LPS	18 LPS		45 LPS	15 W LPS	

<sup>1</sup> Assumes light is at a height of 20 feet. If light is at 30 feet the lumens needs to be doubled to achieve the same fc at the ground.

**E. Filtering**

Metal Halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.

**F. Nonconforming Light Fixtures**

- Existing light fixtures which do not conform with Sections 15.10.4 (C, D, E) of this ordinance are allowed, but extinguishing of such lights by 11:00 p.m. is encouraged.
- No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, school ballfield, outdoor amphitheater, arena or similar facility.

**G. Display Lot Lighting**

Display lot lighting shall be turned off within thirty minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.

**H. Architectural Lighting**

All architectural lighting shall be of 150 watts of or less (incandescent) or 70 watts or less (other types), and be extinguished no later than 11:00 p.m. Lights shall have at least 90% of their light falling on the illuminated structure.

**I. Use Of Mercury Vapor Lighting Fixtures.**

No new mercury vapor outdoor lighting fixtures shall be installed after the date of this ordinance. No replacement equipment or bulbs for mercury vapor lighting fixtures shall be sold or installed in the City of Fort Atkinson after the date of this ordinance.

**J. Exemptions**

Outdoor lighting fixtures existing and legally installed prior to the effective date of this Ordinance are exempt from its provisions, however any replacement of said lighting fixtures must comply with this ordinance as set forth above.

**K. Violations And Penalty**

Any person, firm, entity or corporation violating the provisions of this ordinance shall be required to pay a forfeiture per current bond schedules for each day the violation continues after being issued a citation.

**15.10.5 SANITATION AND RELATED STORAGE**

The following requirements shall be met for all uses in all districts with the exception of single-family and two-family residential units.

**A. Centralized Location(s) of Trash Dumpsters and Garbage Receptacles Required**

All new buildings and uses shall provide facilities for the central and accessible storage of solid waste within the parcel or lot. The location of these facilities shall be approved by the Plan Commission. Multiple locations may be required by the Plan Commission.

**B. Trash Dumpster and Garbage Receptacle Enclosures Required**

All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally. Where such facilities are provided outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building. It is preferred that a screened pedestrian entrance be provided such that waste may be deposited without opening the large access gates.

**C. Trash Dumpster and Garbage Receptacle Maintenance Required**

Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven (7) days.

**D. Unenclosed Storage of Trash or Waste Prohibited**

No portion of any lot shall be used for open or unenclosed storage of trash or waste of any kind.

**E. Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited**

No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.

**F. Concrete Slab Required**

All trash dumpsters and garbage receptacles shall be placed upon a concrete slab that has a thickness of not less than five (5) inches.

**G. Adequate Size to Accommodate Recycling Materials**

All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

**ARTICLE 15-11 RESERVED FOR FUTURE USE**

## **ARTICLE 15-12 SIGN REGULATIONS**

### **15.12.1 PURPOSE AND INTENT**

#### **Purpose of Chapter**

The Common Council and Plan Commission of the City of Fort Atkinson recognize that the visual environment has an effect on the welfare of the citizens of the city and that careful control of signage can preserve and enhance the city. Therefore, the regulations contained herein are established for the following purposes:

1. To provide standards to safeguard life, health and property.
2. To promote the public welfare by regulating the design, area, construction, location and installation of all signs referred to under this chapter.
3. To encourage well-maintained and attractive signs that meet the need for adequate business identification, advertising and communication.
4. To protect the public from hazards that result from signs that are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
5. To limit the proliferation of those signs that are accessory or carry messages other than the name of the principal product or service located on the premises.
6. To encourage signs that are well designed and compatible with their surroundings and with the buildings to which they are attached, and compatible with the historic theme and tradition of the city.
7. To prevent objectionable sign lighting spillover and glare onto neighboring properties and public roadways.

### **15.12.2 REQUIREMENT OF CONFORMITY**

#### **A. Permit Required**

1. It shall be unlawful for any person to place, erect, alter or relocate within the City of Fort Atkinson any sign without first obtaining a permit and paying the required fee therefore unless exempted under Section 15.12.9.
2. Permits shall not be required for the repainting, cleaning and other normal maintenance and repair of any sign.
3. For conforming signs permits shall not be required if the alteration of the sign is restricted to a change in facing panel or text as long as the sign remains in compliance with any restrictions that may have been placed as part of a Cooperative Sign Program.

#### **B. Penalty**

Any person or any officers of any corporation who violate, or cause to be violated, any provision of this chapter shall, upon conviction thereof, be subject to the penalties provided in Section 15.12.3.

### **15.12.3 ADMINISTRATION AND ENFORCEMENT**

#### **A. Notice Concerning Unlawful Signs**

1. If the Building Inspector finds that any sign has been erected, altered or maintained in violation of this chapter, or is in such condition that it threatens the public health, safety or welfare, the inspector shall provide written notice to the owner of the sign or person entitled to possession of the sign.
2. The written notice shall notify the owner or person entitled to possession of the sign of the specific violation or violations. The written notice shall direct that alterations, repairs or removal, whichever may be applicable, shall be made to eradicate the violation and bring the sign into conformance with the terms and conditions of this chapter within 15 days of the receipt of such notification.
3. If the person so notified fails or neglects to comply with or conform to the requirements of such notice within the 15-day period specified in subsection (2) of this section, the Building Inspector may file an appropriate complaint and take whatever legal action may be necessary to cause such sign to be altered or removed.

#### **B. Violations**

1. It shall be unlawful and a violation of this Article for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this chapter, or to fail to perform any act which is required by the provision of this Article. In the case of any such violation, each 24-hour period in which such violation exists shall constitute a separate violation.
2. Any sign erected, altered or maintained in violation of this Article or in violation of any of the laws or ordinances of the city and/or the state is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Building Inspector.

#### **15.12.4 NONCONFORMING SIGN REGULATIONS**

Any legally existing nonconforming sign may continue to be displayed, except under the following circumstances:

**A. Damaged signs**

Whenever a nonconforming sign undergoes damage by fire, flood, explosion, earthquake, war, riot, or act of God, and that damage constitutes less than 50% of its replacement value it may be reconstructed and used as before if it is reconstructed within three months after such calamity. If the damage to the sign is 50% or more of its replacement value the reconstructed sign must fully comply with the provisions of this chapter.

**B. Change of content**

Alterations to the principal content or message of an existing nonconforming sign, such as the name of a business or product shall constitute a major change and shall require a permit to alter the sign. The altered sign must be made to conform and comply with the provisions of this chapter within six months after the application for a permit to alter the sign has been filed with the Building Inspector.

**C. Change of ownership**

Any existing nonconforming sign that undergoes a change in ownership shall be brought into conformity with current sign standards.

#### **15.12.5 MAINTENANCE AND REMOVAL OF SIGNS**

**A. Maintenance**

All signs and sign structures shall be kept in a neat and proper state of maintenance and appearance as determined by the Building Inspector.

**B. Removal**

Signs and sign structures that no longer serve the purpose for which they are intended, or that are not maintained, or that have been abandoned shall be removed by the owner, or the owner of the premises on which the sign is erected, after notice by the Building Inspector to remove the sign. The sign owner or owner of the premises shall complete the removal within 30 days after notice is mailed by the Building Inspector by registered mail. If such sign is not removed within the required time, the Building Inspector shall cause the sign to be removed and the cost thereof entered on the tax roll as a special charge against the real estate.

## **15.12.6 APPLICATION, FEES, AND PERMITS**

### **A. Application Requirements**

Any person desiring to place, erect, alter or relocate a sign, except a sign exempted under Section 15.12.9, must apply to the Building Inspector for a sign permit. The applicant shall provide in writing the following information:

1. The name, address and telephone number of the applicant, owner (or owner's authorized representative) and the person erecting the sign.
2. A plot plan, dimensioned, showing the location of the building, structure and lot upon which the proposed sign is to be attached or erected and whether located in an historical district or other jurisdictional area.
3. Photographs showing the location of the proposed sign and its relationship to the building to which it is to be mounted or the surrounding area if it is not a wall sign.
4. A drawing of the proposed sign showing the message to be displayed and the method for constructing and attaching the sign to the building or ground.
5. A color sketch or paint samples showing the proposed color combination of the sign with the proposed and existing surrounding materials.
6. Written consent of the owner (or the authority to act on behalf of such owner) of the building, structure and land on which the sign is to be erected, and consent to remove the sign at his/her expense, if ordered to do so by the Building Inspector.
7. A description of all electrical equipment, and attachments if the sign is to be lighted or illuminated, all of which shall be approved by the Underwriters' Laboratories, Inc., or other approved testing service.
8. A plan of the proposed landscaping as required by this Ordinance.

### **B. Fees**

The applicant shall pay a permit fee for any sign that is not exempt from fees or permits. These fees are set forth in a schedule that is posted in the office of the Building Inspector.

### **C. Sign Design Review (Proposed Developments)**

1. All sign proposals for proposed developments in the City shall be included with the overall proposal for the development.
2. The sign will be reviewed by the Plan Commission, which will determine if the size, location, lighting, lettering, materials, colors, and surrounding landscaping used for the sign complement the proposed development as well as the surrounding properties.

**D. Sign Design Review (Existing Developments)**

It shall be the duty of the Building Inspector, within 30 days of the filing of an application for a sign permit at an existing development, to examine the application as well as the premises upon which it is proposed to attach or erect the sign. If the application is complete and the sign conforms to the requirements of this chapter, the following actions shall be taken:

1. If the proposed sign meets the requirements of this ordinance the Building Inspector is authorized to issue the sign permit, except where otherwise noted.
2. If the sign is of a type that requires Plan Commission review, the Building Inspector shall forward the application and relevant materials to the Plan Commission for review.
3. Approval of the Plan Commission is required if the sign cannot meet the requirements of this ordinance.

**E. Review Criteria and Procedure**

1. The following review guidelines shall be used by the Building Inspector or Plan Commission in acting on any application for a sign permit:
  - a. Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
  - b. All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreational and conservancy areas.
  - c. Signage in downtown or other historic districts may be required to conform to the planned or existing dominant architectural theme of the area.
  - d. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
  - e. No sign shall protrude over the property line, or be otherwise situated, so as to create confusion or otherwise interfere with traffic signs or signals.
  - f. As a general guideline and where feasible, ground-mounted, freestanding signs larger than six square feet shall be located at least 100 feet apart.
  - g. Signs illuminated by floodlight or spotlight must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians or rises freely into the sky.
  - h. As a general guideline, the number of colors and materials should be kept to a minimum.
  - i. Landscape features are encouraged as part of all ground-mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage.
2. If the sign meets the requirements of this chapter, all other ordinances of the city, and has the approval of the Building Inspector or the Plan Commission, the Building Inspector shall issue a permit therefore upon payment of the appropriate fee.
3. It is recognized that in certain situations, such as on lands of churches, schools, other public bodies and real estate developments, potential signage needs may not be met under strict interpretation of this Sign Ordinance. Upon prior approval of the Plan Commission reasonable accommodations may be granted for due cause, provided that in issuing such a permit, the Commission shall not authorize a substantial variation from the size, location and type standards applicable to similar signs by specifically regulated situations.
4. Any decision of the Building Inspector or Plan Commission may be appealed to the Council by making application for a variance as provided for in Section 15.12.7.
5. If a permit is issued and the sign authorized by the permit is not installed within six months after the issuance of the permit, the permit shall expire and be null and void.

### **15.12.7 SIGN VARIANCES**

#### **A. Findings**

It is recognized that circumstances may exist from time to time where application of the size, location and type of sign standards specified in this chapter for the various zoning districts or where literal enforcement of the regulations may work an unreasonable hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the Council where it is established to the satisfaction of the Council that such extenuating circumstances exist.

#### **B. Application**

When a sign permit has been denied by the Building Inspector or Plan Commission, the applicant may request that a variance be granted by the Council. An application for this hearing shall be filed with the Building Inspector, together with a filing fee. This application shall include all requirements outlined in 15.12.6 (A), plus a written statement of any extenuating circumstances.

#### **C. Referral to council**

The application and related file shall be referred to the Council for consideration at a regularly scheduled meeting.

### **15.12.8 SIGN CONSTRUCTION AND LIGHTING REQUIREMENTS**

#### **A. Sign Construction Requirements**

All signs shall meet the following construction requirements:

1. Live load. All signs shall be designed, constructed and anchored to withstand a horizontal wind pressure of not less than 30 pounds per square foot of exposed area.
2. All sign structures shall be designed, constructed and fastened to adequately support the dead load of any sign.
3. All footings for support of detached signs erected on the ground shall be not less than 48 inches below the existing ground level.
4. All signs shall be constructed of materials suitable for the intended purposes.
5. Letters, decorations and embellishments in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.
6. Signs shall be constructed so as to prevent ice or snow from falling off the sign and endangering pedestrians or motorists.
7. No sign or any part thereof, or anchor, brace or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe; and no sign or any part thereof, or anchor, brace or guide rod shall be erected or maintained that may cover or obstruct any door, doorway or window of any building and that may hinder or prevent ingress or egress through such door, doorway or window, or that may hinder or prevent the drainage or placing of ladders against such building in the event of a fire.

**B. Sign Lighting and Electrical Requirements**

All signs shall meet the following lighting and electrical requirements:

1. Signs illuminated by floodlight or spotlight must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians or shines freely into the sky.
2. Bare bulbs shall not be visible to motorists or pedestrians.
3. Each illuminated sign shall comply with the electrical code of the city and shall be a listed sign approved by a recognized testing laboratory.
4. The application for a permit for the erection of a sign in which, or for which, electrical wiring and connections are to be used, shall be submitted to the electrical inspector.
5. The electrical inspector shall examine the plans and specifications for the sign that are submitted and may require additional information relating to the proposed electrical installation from the applicant.
6. The inspection shall determine if the proposed installation complies with the ordinances of the city relating to electrical wiring and construction, and he/she shall approve the application if the plans and specifications as finally submitted comply therewith.
7. After action by the electrical inspector, the application shall be resubmitted to the Building Inspector for final approval of the sign permit.
8. All electrical signs or components thereof shall bear the label of approval of a recognized testing laboratory and shall be inspected and approved by the electrical inspector on the site prior to connection to electrical service of the sign.
9. No sign shall be erected, despite issuance of a permit, until the site inspection has been made by the Building Inspector and the sign permit initialed by the inspector to show his/her approval.
10. All electrical signs shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the sign. Any movable part of a sign, such as the cover of a service opening, shall be securely fastened by a chain or hinges.

### 15.12.9 EXEMPT SIGNS

**A. The following signs are exempt from permit fees and do not require a permit:**

1. Any sign required or authorized by any law, statute or ordinance, designed to identify any public area or installation, or giving notice of danger in connection with a public project or hazard.
2. Any sign that identifies by name or number each individual building within any institutional or residential building complex and that does not exceed one and one-half (1.5) square feet in area.
3. Any temporary sign for decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, displayed for a period of ten days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this chapter.
4. Any sign in a display window of a business establishment incorporated into a display of merchandise or a display relating to service offered on the premises.
5. Political Signs
  - a. Political signs shall not exceed eleven (11) square feet in area.
  - b. Political signs shall not be erected more than 30 days prior to their respective election or referendum and shall be removed within three (3) days following any election or referendum.
  - c. Political signs are not permitted on public property, right-of-ways, or within 100 feet of a polling place entrance.
  - d. Failure to remove political signs within three (3) days following any election or referendum shall constitute a violation of this chapter and subject the owner, as well as the owner of the premises on which the sign is displayed, to the penalties provided in Section 15.12.3.
6. Real Estate Signs
  - a. Real Estate signs shall not exceed six (6) square feet in area, with the exception of signs for multi-family developments having three or more dwelling units located in the R-3 zoning district. Those signs shall not exceed twelve (12) square feet in area.
  - b. No more than three (3) signs may be permitted for the premises at any one time. These shall consist of no more than two freestanding signs erected on the premises for sale or rental, and one mounted flat on the building.

- c. Off property directional signs are subject to the following:
    - i No more than two (2) off-property directional signs are permitted.
    - ii Off-property directional signs shall only be for the purpose of directing traffic to open houses and must have the knowledge and consent of the property owner on whose property the sign is to be placed.
    - iii Off-property directional signs may be displayed only during the hours that the advertised activity is to take place and must be a self-supporting type sign.
    - iv If a property owner has more than one property, the maximum number of off-property directional signs cannot exceed five.
    - v When off-property directional signs will be displayed for three or more consecutive days, a permit must be obtained from the city.
  - d. Real estate signs advertising sites of five acres or more are allowed one sign per street frontage and shall not exceed 32 square feet in area per sign.
7. Construction Signs
- a. Construction signs must pertain to the construction of a structure on the premises on which it is displayed.
  - b. Construction signs shall not exceed 32 square feet in area.
  - c. Construction signs shall be in place only during construction of the structure.
8. Garage, Rummage, and Estate Sale Signs
- a. No single garage, rummage or estate sale sign shall exceed four square feet in size.
  - b. Garage, rummage and estate sale signs shall only be displayed for a maximum of 48 hours at one time and no more than twice in any one-year period.
  - c. A maximum of three garage, rummage or estate sale signs will be permitted per sale, two of which may be off-property with permission of the property owner where the sign is displayed.
  - d. These signs may be displayed only during the period that the advertised activity is to take place and shall be self-supporting type signs.

**B. The following signs are exempt from permit fees but do require a permit:**

Any sign in the nature of a welcome sign or banner, cornerstone or commemorative or historical tablet or landmark designation plaque erected by a public or nonprofit body or organization.

#### **15.12.10 TEMPORARY SIGNS REQUIRING PERMITS**

##### **A. Permits**

1. Permits for temporary signs shall be issued by the Building Inspector.
2. At the discretion of the Building Inspector, any proposal for a temporary sign may be referred to the Plan Commission for their review and approval.
3. Applications for temporary permits shall include a written statement that the sign will be displayed for a period of time not exceeding 30 days.
4. All requests for temporary signs shall adhere to the restrictions set forth in this Chapter.
5. Any proposal for a temporary sign(s) that cannot meet the provisions of this Chapter shall be subject to review by the Plan Commission.

##### **B. Banners, Balloons, Streamers, and Similar Articles**

1. The use of any pennant, flag, balloon, streamers or similar articles for advertising of a product, service, show or carnival is prohibited except by special permit for specific events.
2. Permits for temporary banners, balloons, streamers, and similar articles shall be issued for a period of no more than 10 days.
3. Under no circumstances shall such a permit be granted for any premises more than four times in any calendar year, and only once per quarter.

##### **C. Portable Signs**

1. Portable signs shall only be permitted as a temporary sign and in no case shall a portable sign be used in lieu of a permanent sign to identify a business or service.
2. Portable sign permits shall be issued for a maximum of 30 days.
3. Requests for portable sign permits in excess of 30 days shall be subject to Plan Commission approval.
4. Portable sign permits may be issued for periods not to exceed 30 days. Consecutive 30 day periods shall not be permitted.

#### **15.12.11 PROHIBITED SIGNS**

##### **A. Signs on Public Property**

No signs shall be placed on public property or in the public right-of-way without obtaining the express prior permission of the City. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on or over any sidewalk, curb, gutter, street, post, fire hydrant, pole, tree, other sign, building, fence or other structure, nor shall any of those objects be defaced in any manner.

##### **B. Projecting Signs**

No projecting signs shall be allowed.

##### **C. Roof Signs**

No sign shall be mounted upon any roof of any building or structure except a sign painted on the roof of a building or structure designed to provide information to air traffic.

**D. Action Signs or Lighting**

1. No flashing, chasing, alternating, rotating on horizontal or vertical axis, or swinging sign, operated by mechanical means or wind driven, whether illuminated or not, is permitted, except time and temperature signs, which shall be subject to Plan Commission approval.
2. No flashing, alternating, rotating or swinging floodlight, spot or beacon light is permitted for the purpose of illuminating any sign.
3. No floodlight or spotlight illuminating any sign shall be located in such manner as to permit its beam or a glare of light to be directed onto surrounding premises or roadways.

**15.12.12 GENERAL LIMITATIONS ON SIGNS REQUIRING A PERMIT**

**A. Limitations on Purposes**

With the exception of signs not requiring a permit as listed under Section 15.12.9, the content of signs in all districts shall be limited to the owner's, tenant's or occupant's name or business name, profession or trade, approved art work, as well as the principal services offered or products sold on the premises.

**B. General Limitations on Size and Number**

1. A single sign structure having two faces back-to-back shall constitute a single sign.
2. Businesses located in corner buildings may be permitted signage on each street-facing façade, upon the prior approval of the Plan Commission.
3. In a situation where a single building or parcel of land contains more than one business or use, each business shall participate in a Cooperative Sign Program as outlined in Section 15.12.16, which is subject to the review and approval of the City Plan Commission.
4. Only one detached sign may be erected in or upon a parking lot serving one or more business establishments.
5. The area of each sign permitted hereunder shall be limited by the length of the facade of that portion of the building or structure occupied by the applicant adjacent and parallel to any public street or to any public parking area in a shopping center or group of commercial buildings.
6. Where reference is made to the permitted sign area schedule, the aggregate total for either one or two signs shall be determined as follows:

<b>Length of Façade (in feet)</b>	<b>Maximum Sign Area (In square feet)</b>
15' or less	40
16'-20'	44
21'-25'	48
26'-30'	52
31'-35'	56
36'-40'	60
41'-45'	64
46'-50'	68
51'-55'	72
56'-60'	76
61'-65'	80
66'-70'	84
71'-75'	88
76'-80'	92
81'-85'	96
86'-90'	100
91'-95'	104
96'-100'	108
101'-105'	112
106'-110'	116
111'-115'	120
116'-120'	124
121'-149'	128

### **15.12.13 SPECIFICATIONS REGARDING PARTICULAR SIGN TYPES**

#### **A. Changeable copy or electronic message boards**

1. Statement of Intent:
  - a. To provide standards to safeguard life, health and property.
  - b. To promote the public welfare by regulating the design, area, construction, location and installation of all signs referred to in this Code language.
  - c. To encourage well-maintained and attractive signs that meet the need for adequate business identification, advertising and communication.
  - d. To ensure signage conforms to the orderly step down of zoning ensuring compatibility of uses. To protect the public from hazards that result from signs that are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
  - e. To encourage signs that are well designed and compatible with their surroundings and with the buildings to which they are attached, and compatible with the historic theme and tradition of the City.
2. Specifications:
  - a. All electronic message boards shall require review and approval by the Plan Commission prior to installation.
  - b. Electronic message boards shall be a part of a sign but not allowed as a separate or window sign.
  - c. Electronic message boards shall not be allowed in or within one hundred fifty feet (150') of residential uses in residential zoning.
  - d. No electronic message boards shall be allowed in C-5 Downtown Business District Zoning.
  - e. All electronic message boards shall meet the following requirements: No electronic message boards shall exceed the brightness of .3 foot candles above ambient light levels as measured by a light meter at a preset distance from the sign using the following formula, "In feet, the square root of the sum of the sign square footage plus one hundred (100)". In all cases, electronic message boards shall not project more than one foot (1') candle of illumination past the property on which the sign is located.
  - f. The total length of the information cycle displayed on electronic message boards shall not be shorter than three (3) seconds. Items of information may not be repeated at intervals that are short enough to cause the sign to have the effect of flashing; in addition traveling messages may travel no slower than sixteen (16) light columns per second nor faster than thirty two (32) light columns per second.
  - g. All electronic message boards shall be maintained so as to be able to display messages in a complete and legible manner.
  - h. Electronic message boards shall meet all other requirements set forth in this Code as to size, placement, height, construction and installation.
  - i. Time and temperature signs are exempt from this section and are instead regulated per Sec. 15.12.13 E.

- j. No more than one electronic message board per building street frontage shall be allowed.
- k. All provisions of Ordinance Section 15.12.13 A. are retroactive, except Section 15.12.13 A. 2. c.

**B. Wall Signs**

- 1. A wall sign shall identify the individual business, building, or building complex only by name, principal service offered and/or logo or approved artwork.
- 2. A wall sign shall project no more than 12 inches from the wall.
- 3. A wall sign that identifies a business shall be located on the wall of the structure that the business occupies.

**C. Freestanding or Monument Signs**

- 1. A freestanding or monument sign may identify the individual business, building, or building complex only by name, principal service offered and/or logo or approved artwork.
- 2. The height of a freestanding or monument sign shall be no more than 18 feet. The maximum height for a freestanding sign in the M-1 and M-2 districts may be increased to 24 feet upon approval of the Plan Commission.

**D. Sidewalk Signs**

- 1. Sidewalk signs shall only be allowed on sidewalks with a width of 6 feet or greater and there may be no other obstructions.
- 2. Sidewalk signs shall be a maximum of 2 feet in width and 3 feet in height.
- 3. Sidewalk signs shall only be permitted during the hours of operation of the business or office and shall be removed each day at the close of business or operation.

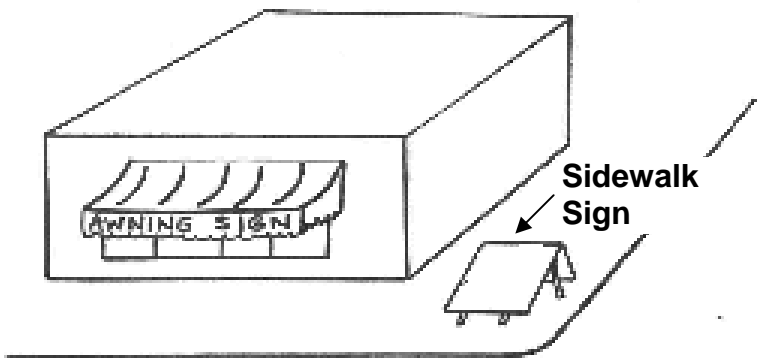
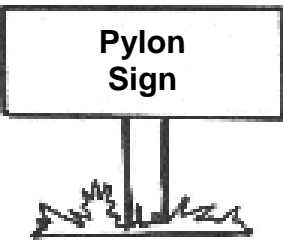
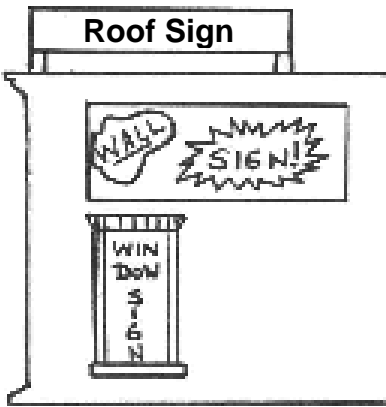
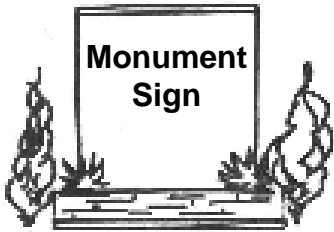
**E. Time and Temperature Signs**

- 1. May be included as part of any sign, but shall not be a separate sign.
- 2. All time and temperature signs require review and approval by the Plan Commission.

**F. Traffic Directional Signs**

- 1. Traffic directional signs shall not advertise a business, product, or service provided.
- 2. Traffic directional signs shall not exceed four square feet in area.
- 3. Traffic directional signs shall be located on private property a minimum of one foot from the right-of-way of any street, and shall not be situated in the vision triangle as stipulated under Section 15.10.3.
- 4. Traffic directional signs shall not exceed five feet above the existing grade (immediate surrounding grade) or visual barrier but in no case more than seven feet in height.
- 5. The number of traffic directional signs shall be limited to one per driveway.

15.12.14 SIGN ILLUSTRATIONS



### **15.12.15 PERMITTED SIGNS BY DISTRICT**

#### **A. Signs Permitted in Residential Districts R-1 and R-2**

1. A single sign limited in content to the name, address and occupation of the owner or occupant of the premises, not exceeding one and a half (1.5) square feet in area.
2. A single sign not exceeding two (2) square feet in total area located on the premises of any business.
3. A sign or signs erected by any museum, church, school or public body on its own grounds and for its own purposes, which shall be permitted only upon approval of the Plan Commission.
4. An identification sign located at the entrance or on the perimeter of a real estate development, which shall be permitted only upon approval of the Plan Commission. Development identification signs shall indicate only the name of the development or the name and address of the building or business.
5. Exempt signs as listed in Section 15.12.9.
6. Temporary signs as listed in Section 15.12.10.

#### **B. Signs Permitted in Residential District R-3**

1. Signs permitted in Residential Districts (R-1 and R-2), under Section 15.12.15 (A).
2. Non-residential uses in buildings which also have residential dwelling units may have one wall sign in addition to signs permitted under (1).
3. Non-residential uses in buildings with no residential units may have one wall sign and one cooperative detached sign or monument sign in addition to signs permitted under (1).
4. The maximum allowable area for permitted signs shall be determined using the schedule of permitted sign areas, with a maximum aggregate area of 100 square feet.

#### **C. Signs Permitted in Business Districts C-2, C-4 and C-5**

1. Signs permitted in Residential Districts (R-1 and R-2), under Section 15.12.15 (A).
2. Non-residential uses may have one wall sign and one cooperative detached sign or monument sign in addition to signs permitted above.
3. The maximum allowable area for permitted signs shall be determined using the schedule of permitted sign areas, with a maximum aggregate area of 100 square feet.

**D. Signs Permitted in Business Districts C-1 and C-3**

1. Signs permitted in Residential Districts (R-1 and R-2), under Section 15.12.15 (A).
2. Non-residential uses may have one wall sign and one cooperative detached sign or monument sign in addition to signs permitted above.
3. The maximum allowable area for the signs shall be determined using the schedule of permitted sign areas, with a maximum aggregate area of 128 square feet.
4. Changeable copy or electronic message boards, subject to 15.12.13 (A).
5. Sidewalk signs, subject to 15.12.13 (D).
6. Time and temperature signs, subject to 15.12.13 (E).
7. Traffic directional signs, subject to 15.12.13 (F).

**E. Signs Permitted in Industrial Districts M-1, M-2 and M-3**

1. Signs permitted in Residential Districts (R-1 and R-2), under Section 15.12.15 (A).
2. Non-residential uses may have one wall sign and one cooperative detached sign or monument sign in addition to signs permitted above.
3. The maximum allowable area for the signs shall be determined using the schedule of permitted sign areas, with a maximum aggregate area of 128 square feet.
4. Changeable copy or electronic message boards, subject to 15.12.13 (A).
5. Sidewalk signs, subject to 15.12.13 (D).
6. Time and temperature signs, subject to 15.12.13 (E).
7. Traffic directional signs, subject to 15.12.13 (F).

**F. Permitted Signs in Planned Development Districts (P.D.D.)**

1. Signs permitted in Residential District (R-3), under Section 15.12.15 (B).
2. Other signs authorized by the Plan Commission and included in the specific implementation plan as required in the zoning ordinance.

#### **15.12.16 COOPERATIVE SIGN PROGRAM (CSP)**

**A. Statement of Purpose and Intent**

The purpose of the Cooperative Sign Program (CSP) is to allow commercial buildings or groups of buildings with two (2) or more tenants to have one (1) Master Identification Sign, which may be either a freestanding or monument sign, to identify the name of the center or the individual businesses in the center. In addition to the Master Identification Sign, each individual business within the center may have one (1) wall sign. The intent of the Cooperative Sign Program is to set forth a theme as to the placement, lettering, style, colors, and other design considerations while at the same time reducing sign clutter.

**B. General Provisions**

All properties that qualify for the Cooperative Sign Program must submit to the Plan Commission a Cooperative Sign Program plan for their property. No sign permit shall be issued for an individual business located on a property that requires a Cooperative Sign Program, until such a program plan is submitted and approved by the Plan Commission. After the approval of a Cooperative Sign Program, no sign shall be erected, placed, painted, or maintained, except in conformance with the Cooperative Sign Program.

**C. Eligibility**

1. Any new retail, office, or industrial developments with 2 or more tenants are required to develop a Cooperative Sign Program and submit it with the proposed site plan for the development.
2. Existing retail, office, or industrial developments with 2 or more tenants shall be required to submit a Cooperative Sign Program proposal whenever there is an application for a new sign or a revision of an existing sign on the development. This Cooperative Sign Program will then guide all future sign installations at the development.

**D. Signs Permitted under the Cooperative Sign Program**

1. Master Identification Sign
  - a. Only one freestanding or monument sign may be erected for use as a Master Identification Sign unless otherwise approved by the Plan Commission.
  - b. The height of a Master Identification Sign shall not exceed 18 feet unless approved by the Plan Commission. In no case shall a master identification sign exceed 24 feet in height.
  - c. The maximum area for each freestanding or monument sign in the Cooperative Sign Program shall be determined based upon a guideline that allows one (1) square foot of signage per every lineal foot of front property line. Monument or freestanding signs under the Cooperative Sign Program shall not exceed one hundred twenty eight (128) square feet.
2. Wall Signs
  - a. Wall signs in the Cooperative Sign program shall only be allowed on the length of the wall occupied by the business that it identifies.
  - b. Individual businesses within retail and industrial centers are permitted a wall sign in addition to the Master Identification Sign. In office centers, only tenants with separate exterior entrances will be permitted a wall sign.
  - c. The maximum area for each wall sign shall be determined based upon a guideline that allows one (1) square foot of signage per every lineal business frontage of tenant space. Wall signs under the Cooperative Sign Program shall not exceed one hundred twenty eight (128) square feet.
  - d. Wall signs within a Cooperative Sign Program shall have a uniform theme as it relates to size, placement, color, lettering style, and lighting.
3. Traffic Directional Signs
  - a. Traffic directional signs shall not advertise a business, product, or service provided.
  - b. Traffic directional signs shall not exceed four square feet in area.
  - c. Traffic directional signs shall be located a minimum of one foot from the right-of-way of any street.
  - d. Traffic directional signs shall not exceed five feet above the existing grade (immediate surrounding grade) or visual barrier but in no case more than seven feet in height.
  - e. The number of traffic directional signs shall be limited to one per driveway.
  - f. Traffic directional signs shall also reflect the theme of the Cooperative Sign Program as it relates to size, placement, color, lettering style, and lighting.
4. Other Signs

The Plan Commission may also permit additional signs such as changeable copy signs and time and temperature signs if they are included as part of the Cooperative Sign Program Plan and reflect the theme as it relates to size, placement, color, lettering style, and lighting.

**E. Review and Approval**

All Cooperative Sign Program plans require Plan Commission approval.

**F. Submittal Requirements**

The Cooperative Sign Program plan submittal must contain the following information:

1. An accurate plot plan of the property indicating the location of buildings, building entrances, parking lots, driveways, landscaped areas and sign locations;
2. A building elevation drawing or rendering of any building face to which signs are to be attached
3. A landscape plan for the area around the signs
4. Computation of the maximum allowable total sign area, and the maximum dimensions and area for individual signs
5. Standards for consistency among signs to be located on the property will be made with regard to:
  - a. Lettering or graphic style
  - b. Lighting
  - c. Material
  - d. Color, or colors allowed
  - e. The Cooperative Sign Document may contain such other features and restrictions as the owners and the Plan Commission may reasonably determine and agree upon

**G. The Cooperative Sign Program document**

1. Upon approval by the Plan Commission, the Cooperative Sign Program document shall be signed by all owners of the property or their authorized agents and the Building Inspector as authorized by the Plan Commission.
2. The agreement shall be kept on file by the Building Inspector.
3. All future signs for the property must comply with the provisions of this Ordinance and the extra requirements established in the Cooperative Sign Program document.
4. No sign permit shall be issued for any property with a Cooperative Sign Program until it is determined that the proposed sign meets the requirements of the current program document.

**H. Changes or Amendments**

A Cooperative Sign Program may be amended by filing a revised Cooperative Sign Program for Plan Commission review and approval.

## ARTICLE 15-13 DIMENSIONS TABLE

	Residential			Non-Residential						
	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	M-1	M-2
<b>Lot Requirements</b>										
Minimum Lot Width	75 ft.	75 ft.	80 ft.	20 ft.	20 ft.	60 ft.	60 ft.	20 ft.	60 ft.	60 ft.
Minimum Lot Area	8,250 sq.ft.	10,000 sq.ft.	12,000 sq.ft.	3,000 sq.ft.	3,000 sq.ft.	5,000 sq.ft.	7,200 sq.ft.	3,000 sq.ft.	5,000 sq.ft.	5,000 sq.ft.
Maximum Lot Coverage by All Structures	35%	35%	35%	40%	90%	50%	40%	90%	50%	50%
Minimum Green Space	30%	30%	30%	20%	None	20%	30%	None	20%	20%
Maximum Impervious Surface Coverage	70%	70%	70%	80%	None	80%	70%	None	80%	80%
<b>Principal Building Regulations</b>										
Minimum Floor Area (per Dwelling Unit)	1000 sq.ft.	700 sq.ft.	1000 sq.ft.	400 sq.ft.	400 sq.ft.	900 sq.ft.	900 sq.ft.	800 sq.ft.	Not Allowed	Not Allowed
Minimum Floor Area (per Dwelling Unit in a 2-family Building)	Not Allowed	700 sq.ft.	700 sq.ft.	400 sq.ft.	400 sq.ft.	900 sq.ft.	900 sq.ft.	800 sq.ft.	Not Allowed	Not Allowed
Minimum Floor Area (per Dwelling Unit in a Multi-family Development)	Not Allowed	Not Allowed	400 sq.ft.	400 sq.ft.	400 sq.ft.	900 sq.ft.	900 sq.ft.	800 sq.ft.	Not Allowed	Not Allowed
Front Yard Setback (Minor Streets)	25 ft.	25 ft.	25 ft.	25 ft.	10 ft.	10 ft.	25 ft.	None	10 ft.	10 ft.
Front Yard Setback (All Other Streets)	30 ft.	30 ft.	30 ft.	30 ft.	10 ft.	10 ft.	25 ft.	None	10 ft.	10 ft.
Rear Yard Setback	20 ft.	20 ft.	30 ft.	10 ft.	10 ft.	10 ft.	20 ft.	None	10 ft.	15 ft (50 ft. When Abutting Residential District)
Rear Yard Setback (2 or Multi-Family)	Not Allowed	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	20 ft.	None	10 ft.	Not Allowed
Minimum Side Yard Setback (Lots Platted Prior to 3/16/1993)	6 ft.	6 ft. *	6 ft. *	10 ft.	None	6 ft.	10 ft.	None	10 ft.	10 ft. (30 ft. When Abutting Residential District)
Minimum Side Yard Setback Aggregate Total (Lots Platted Prior to 3/16/1993)	14 ft.	14 ft. *	14 ft. *	30 ft.	None	14 ft.	25 ft.	None	25 ft.	30 ft.
Minimum Side Yard Setback (Lots Platted between 3/16/1993 and 3/17/1998)	8 ft.	8 ft. *	8 ft. *	10 ft.	None	6 ft.	10 ft.	None	10 ft.	10 ft. (30 ft. When Abutting Residential District)
Minimum Side Yard Setback Aggregate Total (Lots Platted between 3/16/1993 and 3/17/1998)	16 ft.	16 ft. *	16 ft. *	30 ft.	None	14 ft.	25 ft.	None	25 ft.	30 ft.
Minimum Side Yard Setback (Lots Platted After 3/17/1998)	8 ft.	8 ft. *	10 ft. *	10 ft.	None	6 ft.	10 ft.	None	10 ft.	10 ft. (30 ft. When Abutting Residential District)
Minimum Side Yard Setback Aggregate Total (Lots Platted After 3/17/1998)	16 ft.	16 ft. *	20 ft. *	30 ft.	None	14 ft.	25 ft.	None	25 ft.	30 ft.
Street Side Yard Setback	15 ft.	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	15 ft.	None	10 ft.	10 ft.
Maximum Building Height	35 ft.	40 ft.	40 ft.	25 ft.	40 ft.	40 ft.	35 ft.	40 ft.	65 ft.	65 ft.
<b>Accessory Building Regulations</b>										
Minimum Front Yard Setback	Not Allowed in Front Yard	Not Allowed in Front Yard	Not Allowed in Front Yard	Same as Principal Building	Same as Principal Building	Same as Principal Building	Same as Principal Building	10 ft.	Same as Principal Building	Same as Principal Building
Minimum Side Yard Setback	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	None	3 ft.	3 ft.
Minimum Street Side Yard Setback	15 ft.	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	15 ft.	None	15 ft.	15 ft.
Minimum Rear Yard Setback	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	None	3 ft.	3 ft.
Maximum Accessory Building Height	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

\*Zero side and yard setbacks allowed only where zero lot line approval is obtained.

### 15.13.1 DEFINITIONS

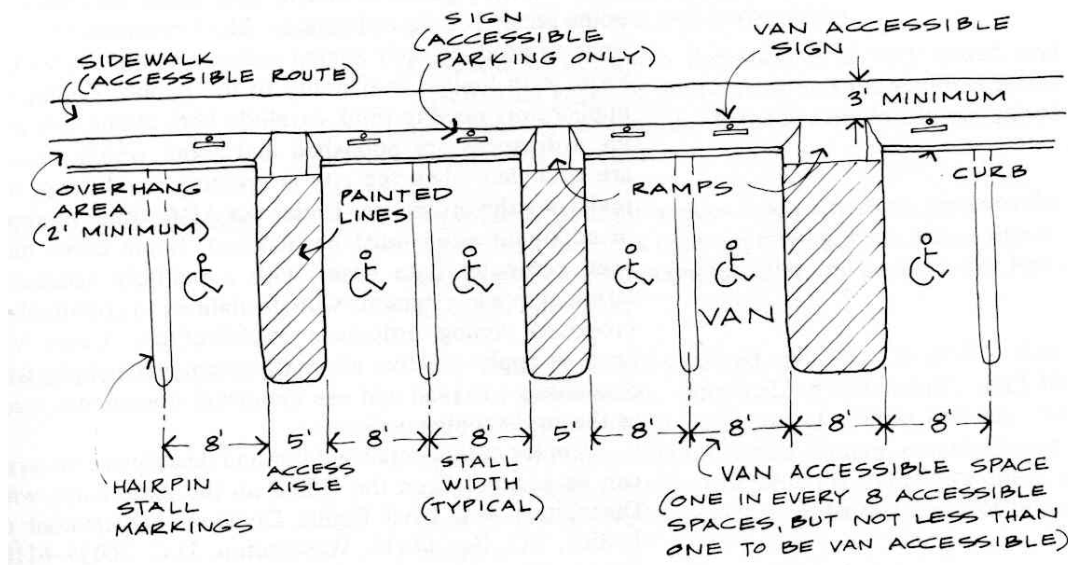
For the purpose of this Chapter, certain terms and words are herewith defined as follows: Words in the present tense include the future; words in the singular number include the plural, words in the plural number include the singular; the word “building” includes the word “structure” but does not include pole lines and fences; and the word “shall” is mandatory and not directory.

## A

### Accessible Parking Space

A parking space that is marked and designated for use by persons with disabilities and provides an unobstructed aisle for use by a person in a wheelchair.

**Figure 1: Accessible Parking Details**



### Accessible Route

A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

### Accessory Building

A subordinate building detached from, but located on the same lot as a principal building. The use of an accessory building must be identical and accessory to the use of the principal building. Examples of accessory structures include detached garages or sheds.

### Accessory Equipment Structure

A building or cabinet-like structure located adjacent to or in immediate vicinity of a wireless telecommunications tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging and paging services.

**Accessory Structure**

A subordinate structure detached from, but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. Examples of accessory structures include decks and fences.

**Accessory Use**

A use or detached structure subordinate in nature, extent, or purpose to the principal use of the building or lot, and serving a purpose customarily incidental to the principal use or principal structure.

**Adjacent**

Adjacent shall mean the same as “Abutting or Adjoining.”

**Adult Establishment**

The three (3) types of adult establishments permitted conditionally are adult book stores, adult motion picture theaters, and adult mini-motion picture theaters, defined as follows:

**Adult Book Store**

An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Motion Picture Theater**

An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined below, for observation by patrons therein.

**Adult Mini-Motion Picture Theater**

An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined below, for observation by patrons therein.

For the purposes of the above, the following definitions apply:

**Specified Sexual Activities**

Human genitals in a state of sexual arousal or stimulation; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

**Specified Anatomical Areas**

Less than completely and opaquely covered human genital, pubic region, buttocks, and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult Family Home**

Means one of the following:

1. A private residence to which all of the following apply:  
Care and maintenance above the level of room and board, but not including nursing care, are provided in the private residence by the care provider whose primary domicile is this residence for three or four adults, or more adults if all of the adults are siblings, each of whom has a development disability as defined in Wisconsin Statutes ss. 51.01(5); or if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four; or more adults or children, if all of the adults or all of the children are siblings; or if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four.
2. The private residence was licensed under Wisconsin Statutes ss. 48.62 as a foster home or treatment foster home for the care of adults, as described above, at least 12 months before any of the adults attained 18 years of age.
3. A place that meets the definition of a Community Based Residential Facility (C.B.R.F.), except that only three or four related adults reside in the facility.

**Advertising Sign, Outdoor**

A structural poster panel or painted sign, either free-standing or attached to the outside edge or ideas to the public about a subject either related or unrelated to the premise upon which located.

**Advertising Structure, Outdoor**

Anything constructed or erected, either free-standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premise upon which located.

**Alley**

A way which affords only a secondary means of access to abutting property.

**Annexed Area**

Any area of land that has been incorporated into an existing community resulting in a change of the boundaries of that community.

**Antenna**

Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional "whip" antennae.

**Antenna Support Structure**

Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

**Apartment**

A portion of a residential or commercial building used as a separate dwelling unit.

**Apartment House**

See Dwelling, Multiple.

**Applicant**

Applicant shall mean, unless otherwise specified, an owner or other person with a legal property interest, including, a subdivider, developer, or other agent of the landowner, who has files an application for subdivision or development.

**Attached Multi-Family Dwelling (Row House)**

A building designed, arranged and used for occupancy of three or more families, living independently and separated by the required fire separation, a zero setback lot line and not more than one dwelling unit deep and one dwelling unit high.

### **Attached Single Family Dwelling**

A building designed, arranged and used for occupancy of two families living independently and separated by the required fire separation and a zero setback lot line.

## **B**

### **Basement**

A basement is that portion of a building whose floor level is more than three and one-half (3-1/2) feet below the average contact ground level at the exterior walls of the building. Basements shall not be used for living quarters. Building plans when submitted for approval shall show the ground contact level at all corners and midpoints of all exterior foundation walls.

### **Base Transceiver Station**

Equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.

### **Board of Appeals**

An officially constituted body whose principal duties are to hear appeals, and where appropriate, grant variance from the strict application if the zoning ordinance.

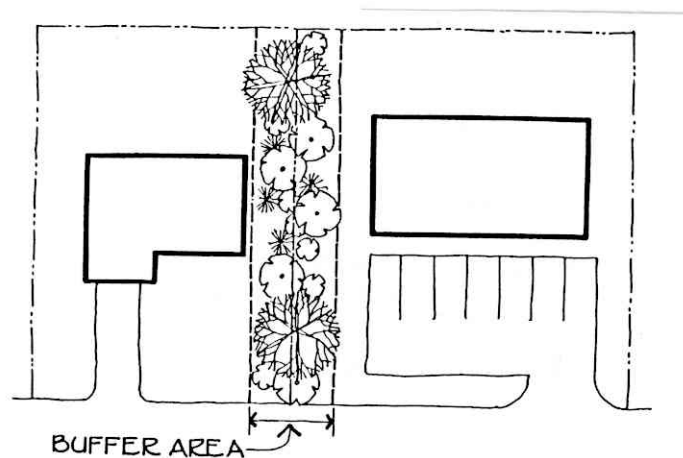
### **Boarding House**

A building other than a hotel, where meals or lodging and meals are served for compensation for not more than six (6) persons.

### **Buffer**

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another use or property to visually shield or block noise, light, or other potential nuisances.

**Figure 2: Example of a Buffer Between Different Use Types**



**Building**

Building shall mean 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. A building shall be permanently affixed to the land.

**Building, Alterations of**

Any change or re-arrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another.

**Building, Accessory**

A subordinate building detached from, but located on the same lot as a principal building. The use of an accessory building must be identical and accessory to the use of the principal building. Examples of accessory structures include detached garages or sheds.

**Building, Height of**

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

**Building Inspector**

The government official charged with the enforcement of the building code, zoning ordinance, electrical code, plumbing code, and any other ordinance as determined by the Common Council.

**Building, Principal**

A building in which is conducted the main use of the lot on which said building is located.

**Business**

Any lawful commercial endeavor to engage in the manufacture, purchase, sale, lease, or exchange of goods and/or services.

**Business Offices**

An office, in which only normal clerical functions, or professional services are performed, and specifically eliminating therein the sale, repair, or manufacture of articles for sale either on the premises, or elsewhere.

# C

**Camping Trailer**

A portable structure mounted on wheels for temporary occupancy at a campground for recreation, education, or vacation purposes.

**Car-Accessible Parking Space**

Any parking space which provides space for a motor vehicle and an access aisle wide enough to permit a person using a wheelchair to enter or exit the car.

**Carport**

See garage, private.

**Centerline, Street**

An imaginary line that is equidistant from the boundaries of the street.

**Change of Use**

Change of Use shall mean any use that substantially differs from the previous use of a building or land in terms of, for example, required parking, landscaping, drainage, and particularly in terms of the new use's overall effect on the surrounding neighborhood and zoning district purpose.

**City**

City shall mean the City of Fort Atkinson, Wisconsin.

**Clinic**

A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

**Club**

A building owned, leased, or hired by non-profit association or persons who are bona fide members paying dues, the use of which is restricted to said members and their guests.

**Co-Location**

The location of wireless telecommunications equipment from more than one provider on a common tower, building or structure.

**Commercial Receiving and/or Transmitting Antennae**

Any antennae erected to transfer information for commercial use.

**Community Based Residential Facility (C.B.R.F.)**

A place where five (5) or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility. C.B.R.F.s do not include any of the following:

1. A convent or facility owned or operated by members of a religious order exclusively for the reception and care of treatment of that order.
2. A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in Wisconsin Statutes ss. 46.96(1)(a), and their children.
3. A shelter facility, as defined under Wisconsin Statutes ss. 16.352(1)(d).
4. A place that provides lodging for individuals and in which all of the following conditions are met:
  - Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.
  - No lodged individual receives from the owner, manager or operator of the place or the owner's managers, or operator's agent or employee any of the following:
    - Personal care, supervision, or treatment or management, control or supervision of prescription medications.
    - Care or services other than board, information, referral, advocacy, or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager, or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager, or operator.
5. An adult family home.
6. A residential care apartment complex.

**Community Living Arrangement**

Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health and Family Services; Child Welfare agencies operated under Wisconsin Statutes ss. 48.60; Group homes for children operated under Wisconsin Statutes ss. 48.02(7); and C.B.R.F.s operated under Wisconsin Statutes ss. 50.01; but does not include adult family homes, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

**Conditional Use**

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as a number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

**Conditional Use Permit**

A permit issued by the City stating that the conditional use meets all conditions set forth in local ordinances.

**Condominium**

A building or group of buildings, in which the dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

**Condominium Association**

The community association that administers and maintains the common property and common elements of a condominium.

**Conforming Use**

Any lawful use of a building or lot which complies with the provisions of this Code.

**Convenience Store**

Any retail establishment offering for sale prepackaged food products, household items, sundry items, and other goods commonly associated with the same, and which may also sell gasoline; operated primarily for the convenience of the motoring public, walk-in shopper, or someone purchasing a few items; and having a gross floor area of less than five thousand square feet.

**Cornice**

Any horizontal projection, structural or non-structural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**Court**

An open unoccupied space other than a yard on the same lot with a building and which is bounded on two (2) sides by the building.

**Court Apartments**

One or more multi-family dwellings, occupied on a long-term basis, which feature an area of open space that is bounded on two or more sides by the walls of a building or group of buildings on the same lot.

**Curb Line**

The line that is represented by the back of the curb.

# D

**Day Care Center**

Any place other than an occupied dwelling that provides for the care of children for payment or fee.

**Deck**

An unenclosed exterior structure located in the rear yard, which is attached or adjacent to the exterior wall of a building, which has a floor but no roof.

**Density**

The number of dwelling units per acre of land.

**Department of Natural Resources**

Department of Natural Resources shall mean the Wisconsin Department of Natural Resources (DNR).

**Developable Area**

The total area of a parcel or group of parcels, minus any undevelopable areas including wetlands, floodplains, steep slopes, or other natural resource areas.

**Developers Agreement**

An agreement by a developer with the city that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, improvements and any other mutually agreed upon terms and requirements.

**Diameter at Breast Height (DBH)**

The trunk diameter of a tree, measured in inches at a height of 4.5 feet from the ground, or in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the most narrow point beneath the point of trunk division.

**Driveway**

A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Driveway Approach**

An area of the public right-of-way, located between the roadway and the property adjacent to the public right-of-way, that is intended to provide access for vehicles from the roadway to the adjacent property.

**Dwelling, One-Family**

A detached building designed, arranged, or used for and occupied exclusively by one (1) family.

**Dwelling, Two-Family**

A building designed, arranged, or used for or occupied exclusively by two (2) families, living independently of each other.

**Dwelling, Multiple**

A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels, and group houses.

**Dwelling Unit**

One or more rooms designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

# E

**Easement**

A grant by a property owner to allow use of the by the public, a cooperation, or persons for specific purposes such as the construction, maintenance, and repair of utilities, drainageways, and roadways.

**Elevation (Distance)**

A vertical distance above or below a fixed reference level.

**Elevation (Drawing)**

A fully dimensioned drawing of the front, rear, or side of a building or other structure showing features such as windows, doors, and the relationship of the grade to the floor level.

**Egress**

An exit

# F

**Facade**

The exterior wall of a building that is exposed to the public view or the wall viewed by persons not in the building.

**Family**

The body of persons who live together in one (1) dwelling unit as a single housekeeping entity.

**Family Day Care Home**

A single-family home used to provide supervision and care for no more than seven children, not including children who reside at the residence.

**Floor Area**

The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

**Frontage**

All of the property abutting on a street measured along the street line.

**Frontage Road**

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

# G

**Garage, Private**

An accessory building or a portion of the principal building used for vehicular storage only and subject to the following limitations: 1) a private garage may house no more than one (1) commercial vehicle; 2) space may be rented for not more than three (3) vehicles other than those belonging to the owner(s) or occupant(s) of the principal building; 3) the owner(s) or occupant(s) of the private garage may use it for personal vehicle service but may not use it as a place of employment for performing repairs on vehicles other than those belonging to the owner(s) or occupant(s) of the principal building.

**Garage, Storage**

A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.

**Garage, Public**

A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire, or sale. This includes premises commonly known as filling stations or service stations.

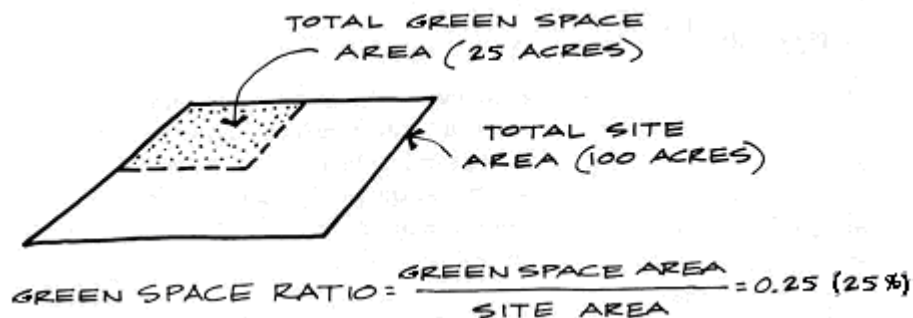
**Greenbelt**

A series of connected open spaces.

## Green Space

The area of a lot that is not covered by buildings or impervious surface including, but not limited to, grass, landscaping, gardens, or land preserved in a natural state. For the purpose of this Ordinance green space shall not include areas improved with Grasscrete™ or any other semi-pervious concrete surface nor shall it include extensive growth roofing or "green" roofing.

**Figure 5: Green Space Calculation**



# H

## Height

The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

## Home Occupation

An occupation carried out in an dwelling unit by the resident thereof; provided the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

## Hotel

A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.

# I

## Impervious Surface

Any hard surfaced man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, bicycle paths, and any other paved or concrete surfaces.

# J

## Junk Yard

An open space where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A “junk yard” also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

# L

## Living Quarters

Living quarters for residential buildings shall include bedrooms, dining room, and main kitchen.

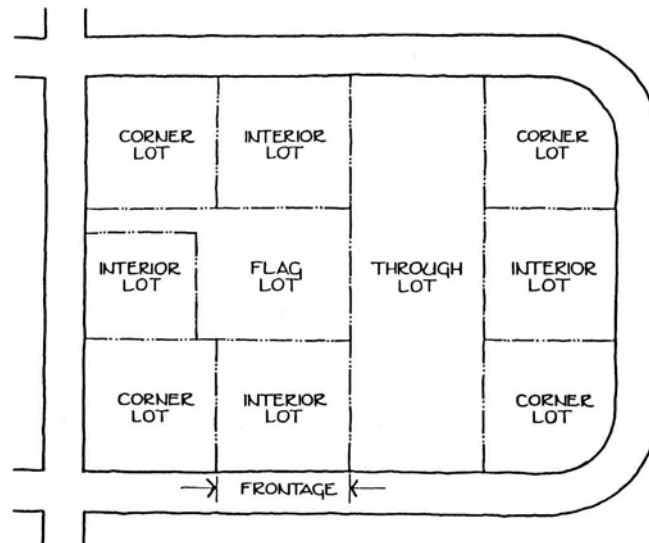
## Lots of Record

A lot which is part of a land subdivision plat or certified survey map conforming to the requirements of Chapter 236, Wisconsin Statutes, and which has been recorded in the Office of the Register of Deeds of Jefferson County, or a parcel of land which has a specific tax parcel number from the Jefferson County Tax Description Office.

## Lot

A parcel of land occupied or to be occupied by one (1) main building or use, with its accessories and including the open spaces accessory to it. No area shall be counted as accessory to more than one (1) main building or use and no area necessary for compliance with the open space requirements for one (1) main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use.

**Figure 4: Types of Lots**



## Lot, Corner

A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the “corner”.

**Lot, Depth of**

The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage**

A lot having frontage on two non-intersecting streets.

**Lot, Front of Corner**

The front of a corner lot is the side of the lot having the least dimension. If both sides are the same dimensions, the owner shall, at the time he applies for a zoning permit under this Code, choose the street, which the lot shall be deemed to front upon.

**Lot, Through**

See Lot, Double Frontage

**Lot, Width**

The horizontal distance between the side lot lines as measured at the setback line.

**Lot Lines**

The property lines that bound a lot on the front, side, and rear.

# M

**Mast**

The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

**Master Plan**

A comprehensive, long-range plan intended to guide the growth and development of a community.

**Mixed Use**

A tract of land, building(s) or structure(s) developed for two or more complementary and integrated uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

**Mobile Home**

A non-self-propelled vehicle containing living or sleeping accommodations, which is designed and used for highway travel.

**Motel**

A group of attached or detached buildings containing individual sleeping or living units for overnight guests, with garage attached or parking facilities conveniently located to each unit. The term includes tourist court when related to the context specified herein.

# N

**Non-Conforming Use**

A building, structure or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

**Nursery**

Any building or lot, or portion thereof, used for the cultivation or growing of plants and all accessory buildings.

**Nursery School**

Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas.

**Nursing Home**

Any building used for the continuous care of a commercial or charitable basis of persons who are physically incapable of caring for their own personal needs.

# O

**Open Space**

The area of a lot that is not covered by buildings or impervious surface including, but not limited to, grass, landscaping, gardens, or land preserved in a natural state. For the purpose of this Ordinance open space shall not include areas improved with Grasscrete™ or any other semi-pervious concrete surface nor shall it include extensive growth roofing or "green" roofing.

**Outdoor Storage**

The storage, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than a twenty-four hour period.

# P

**Parking, On Street**

The storage space for a vehicle that is located within the street right-of-way.

**Parking, Off Street**

Space occupied by vehicles on premises other than streets.

**Patio**

A level surfaced area directly adjacent to the principal building intended for outdoor dining, lounging, and the like.

**Personal Wireless Services**

Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.

**Planned Development District (P.D.D.)**

A development of land that is under unified control and is planned and developed.

**Pole Barn (or Pole Building)**

A typically metal clad structure often utilizing wooden poles and trusses for support with unfinished interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and are not intended for human habitation.

**Porch**

A covered platform, usually having a separate roof, at an entrance to a dwelling.

**Professional Office**

The office of a member of a recognized profession that is maintained for the conduct of that profession.

**Property Line**

See Lot line

**Public Property**

Land, buildings, or other structures or equipment owned or operated by the City of Fort Atkinson, Wisconsin.

# R

**Rezoning**

An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

**Recreational Vehicle (RV)**

A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor or is pulled by another vehicle

**Roadway**

The portion of the right-of-way improved, designed, or used for vehicular travel.

# S

**Salvage Yard**

A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded materials or equipment.

**Setback, Front**

The minimum allowable distance from the street right-of-way line to the closest point of the foundation of a building, parking lot, sign, or other structure.

**Setback, Rear**

The minimum allowable distance from the rear property line to the closest point of the foundation of a building, parking lot, sign, or other structure.

**Setback, Side**

The minimum allowable distance from the rear property line to the closest point of the foundation of a building, parking lot, sign, or other structure.

**Sign**

A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to identify a premise or facility or to promote the sale of a product, commodity, or service. The term "sign" shall not include National flags, flags of political subdivisions, and symbolic flags of any institution or business or badge or insignia of the United States, State of Wisconsin, Jefferson County, City of Fort Atkinson, foreign countries or official historic plaques.

**Sign, Abandoned**

A sign located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business, activity, service or product sold on the premises.

**Sign, Action**

Any sign that uses movement or change of lighting to depict motion or create a special effect.

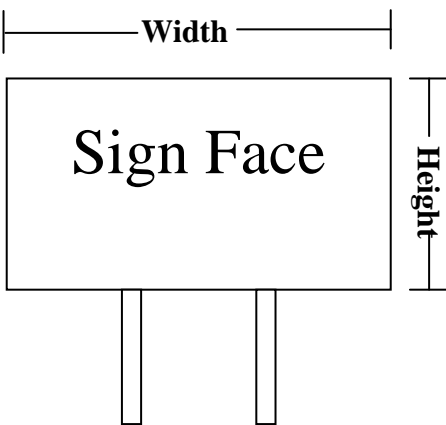
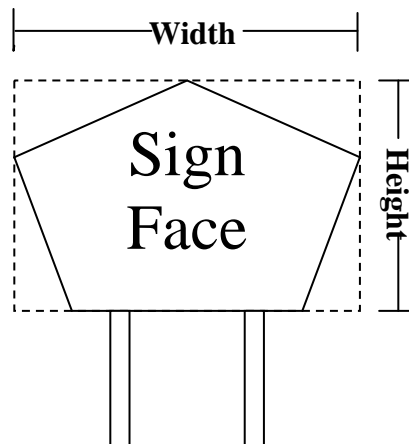
**Sign, Awning**

A sign incorporated into or attached to an awning.

**Sign Area**

That area of copy enclosed by one continuous line, connecting the extreme points or edges of a sign face. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area includes ornamental attachments but does not include the main supporting sign structure.

**Figure 6: Determining Sign Area**

**Rectangular Shaped Signs****Irregularly Shaped Signs****Sign, Changeable Copy**

A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

**Sign, Contractor**

Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**Sign, Traffic Directional**

Signs which designate entrances, exits, parking areas and similar functional information without advertising other than the name or logo of the establishment.

**Sign, Electronic Message Board**

A type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process.

**Sign, Freestanding**

Any sign which is supported by a pole or pylon and is independent from any building.

**Sign, Illegal**

An illegal sign shall include:

- Any sign without a permit.
- A sign which does not conform to the letter of the ordinance or this Chapter.
- Any sign that has not been granted legal status.
- Any sign that has not been constructed in a manner that was prescribed.

**Sign, Legal**

A sign allowed by this Chapter and not requiring a permit, a sign allowed by this Chapter carrying a valid permit, or any legal non-conforming sign.

**Sign, Monument**

A sign independent from any building that has a structural base of not less than seventy-five percent (75%) of the width of the sign face. [Ex.: A sign with a face eight (8) feet wide would require a structural base of six (6) feet or more in length.]

**Sign, Off-Premise**

A sign which is not appurtenant to the use of the property where the sign is located, or a product sold or a service offered upon the property where the sign is located as purveyor of the merchandise or services advertised upon the sign.

**Sign, Temporary Identification**

A sign, temporary in nature, that is used to identify a commercial establishment for a limited period of time.

**Sign, Temporary**

Any sign, banner, valance of advertising constructed of cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

**Sign, Tenant Directory**

A sign providing an exterior listing to pedestrians or motorists of individual tenants within a multi-tenant center.

**Sign, Wall**

Any sign painted on or attached to and erected parallel to the face of or erected or confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. This definition includes signs composed of individual letters or symbols.

**Sign, Window**

Any sign placed inside or upon an interior window surface, and which is usually intended to be seen from the exterior.

**Sign, Non-conforming**

Any sign which was in existence and displayed on the effective date of the ordinance from which this chapter is derived, but does not conform to the requirements and limitations of this chapter, or any sign lawfully in existence and displayed on the effective date of any amendment to this chapter but does not conform to such amendment.

**Sign, Portable**

Any sign not permanently attached to the ground or a building. Tailorized signs, sandwich board signs, vehicles and balloons are included in this definition.

**Sign, Projecting**

Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.

**Sign, Roof**

A sign extending above the roofline.

**Sign, Seasonal**

A sign used to identify seasonal commercial establishments, including but not limited to garden centers, Christmas tree lots and fruit and vegetable stands.

**Sign, Height of**

The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign or sign structure. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.

**Sign, Legal Nonconforming**

A sign that did meet code regulations when it was originally erected, either by adherence to the previous sign ordinances of the City of Fort Atkinson or by a variance granted, but does not comply with all the present regulations of this Chapter.

**Sign, Illuminated**

Any sign lighted by electricity or any other source of power; a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Stoop**

An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation at least six (6) inches higher than the adjacent ground level, and utilized primarily as an access platform to a building.

**Story**

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

**Story, Half**

A story under the gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Street**

A public thoroughfare which affords the principal means of access to abutting property.

**Street, Principal Arterial (Major Arterials)**

A street designed to carry large volumes of traffic and providing efficient vehicular traffic between areas of the City. A list of the Principal or Major Arterials in Fort Atkinson is provided in Chapter 8 of the "Fort Atkinson Master Plan Update," adopted September 23, 1997.

**Street, Minor Arterial**

A street designed to carry medium volumes of traffic and providing intra-community vehicular travel between principal arterials and areas of the City. A list of the Minor Arterials in Fort Atkinson is provided in Chapter 8 of the "Fort Atkinson Master Plan Update," adopted September 23, 1997.

**Street, Collector**

A street that provides direct access to residential neighborhoods and commercial and industrial areas. A list of the Collector Streets in Fort Atkinson is provided in Chapter 8 of the "Fort Atkinson Master Plan Update," adopted September 23, 1997.

**Street, Minor**

Any street in the City that is not classified as a Principal (or Major) Arterial, a Minor Arterial, or a Collector street.

**Structure**

Anything constructed or erected, the use of which requires location on the ground or that is attached to something having a location on the ground.

**Structural Alterations**

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Subdivision**

The division of a lot, tract, or parcel.

**Supermarket**

A food market with more than 5,000 square feet of floor area.

# T

## **Tourist Home**

A dwelling in which overnight sleeping accommodations are provided or offered for not more than five (5) guests for compensation.

## **Tower**

Any pole, spire, structure, or combination thereof, to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

# U

## **Uniform Building Code (UBC)**

Published by the International Conference of Building Officials and referenced by the State of Wisconsin.

## **Use**

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

## **Use, Conditional**

A use that may be allowed in a particular zoning district only after, review and approval of the Plan Commission, who may impose additional conditions above those required in the Ordinance in order to make the use more compatible with other uses in and around that zoning district.

## **Use, Nonconforming**

A use that lawfully occupied a parcel of land, building, or group of buildings prior to the effective date of this ordinance and does not conform to the use regulations of the district in which it is located.

## **Use, Prohibited**

A use that is not permitted anywhere within a district or overlay district.

## **Use, Similar**

A use that has the same characteristics as the specifically cited uses in terms of traffic generation, parking, utility demands, environmental impact, physical space needs and clientele.

## **Use, Temporary**

Land uses and structures that are needed or are in place for only short periods of time.

# V

## **Van-Accessible Parking Space**

Any parking space which provides space for a van and an access aisle wide enough to accommodate a wheelchair lift and vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space.

## **Variance**

Permission to depart from the literal requirements of a zoning ordinance when special circumstances, applicable to the property, deprive it from enjoying privileges commonly enjoyed by other properties in the same zoning district.

## **Vehicle, Commercial**

A vehicle used or designed to be used for business or commercial purposes.

**Vision Triangle**

Vision Triangle shall mean a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

# W

**Wireless Communication Facility**

A tract or parcel of land that contains the wireless communications antenna, support structure, accessory buildings, parking, and driveway and may include other uses associated with wireless communications transmissions.

# Y

**Yard**

An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.

**Yard, Front**

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**Yard, Rear**

A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line at the nearest line of the principal building.

**Yard, Side**

A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard or in the absence of either of such yards, to the front or rear lot line as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

**Yard, Transitional**

A yard that must be provided on a lot in a business district which adjoins a lot in a residence district, or a yard that must be provided on a lot in a manufacturing district which adjoins a lot in either a residence or business district.

# Z

**Zoning Map**

The map of Fort Atkinson that geographically shows all of the zoning districts within the City and has been adopted by ordinance.

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04-15-2015