

CHAPTER 16

ZONING

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16.01 INTRODUCTION. (1) **AUTHORITY.** These regulations are adopted under the authority granted by §62.23(7) of the Wisconsin Statutes. Therefore, the City of Lancaster, Wisconsin, does ordain as follows:

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

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

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

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

(6) **SEVERABILITY.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(7) **REPEAL.** All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

(8) **TITLE.** This chapter shall be known as, referred to, or cited as the "Zoning Ordinance, City of Lancaster, Wisconsin".

(9) **EFFECTIVE DATE.** This chapter shall be effective after a public hearing, adoption by the City Council, and publication or posting as provided by law.

16.02 GENERAL PROVISIONS. (1) **JURISDICTION.** The jurisdiction of this chapter shall include all lands and water within the corporate limits of the City of

Lancaster.

(2) COMPLIANCE. No structure, land or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable local, county and state regulations. Unless specifically exempted by this chapter, all new structures, structural alterations, or changes in use shall require issuance of a zoning permit.

(3) ZONING PERMIT APPLICATION.

(a) Applications for a zoning permit, also referred to as a certificate of zoning compliance, shall be made on forms furnished by the Zoning Administrator and shall include the following:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor where applicable.
2. Description of the subject site by lot, block and recorded subdivision, certified survey or by metes and bounds description; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; and the proposed and existing zoning district within which the subject site lies.
3. Additional information as may be required by the Plan Commission, Board of Appeals, and/or City Council.

(b) Payment of such fees as may be set by the City Council shall be made at the time a zoning application is submitted.

(c) The zoning permit shall be granted or denied in writing by the Zoning Administrator within sixty (60) days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

(4) ENFORCEMENT.

(a) The provisions of this ordinance shall be enforced by the Zoning Administrator. It shall be his/her duty to keep a complete record of all applications for zoning permits submitted, zoning permits issued, and a record of any conditions that may have been imposed by the Plan Commission, City Council, or Board of Appeals under the provisions of this ordinance. The Zoning Administrator shall file and safely keep copies of all plans submitted.

(b) The Zoning Administrator shall also keep a record of every identifiable complaint of a violation of any of the provisions of this ordinance and

of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of the office and shall be available for the use of the City Council and of other official agencies and officials of the City of Lancaster.

(5) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Zoning Administrator, City Council, Plan Commission, Board of Appeals, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

(6) PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200) and costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

(7) CREATION OF VIOLATIONS PROHIBITED. Any land division, subdivision, or division which creates a condominium form of tenancy shall not create a Zoning Ordinance violation.

16.03 GENERAL SITE RESTRICTIONS. (1) SITES NOT SUITABLE FOR DEVELOPMENT. No land shall be used or structure erected where the land is held unsuitable for such use of structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such conclusion if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(2) LOTS SHALL ABUT ON A PUBLIC STREET. All lots shall abut upon an improved public street and each lot shall have a minimum frontage of forty (40) feet. Such frontage shall not be provided by easement.

(3) STRUCTURES ON UNPLATTED LAND. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning.

(4) ONE PRINCIPAL STRUCTURE PER LOT. All principal structures shall be located on one lot; and only one principal structure shall be located, erected, or

moved into a lot. This does not apply to Planned Unit Developments or condominiums.

(5) **PUBLIC WATER AND SEWER.** No zoning permit shall be issued for a site unless public sewer and water are provided to that site. If appealed, this requirement may be waived by the Common Council after review and recommendation by the Director of Public Works and the Plan Commission.

(6) **DEDICATED STREET.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on the side from which the required dedications have not been secured.

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

(8) **COMBINATION OF LOTS.** In any residential zoning district, the owner of two lots which, if combined, would meet the minimum lot size standards and setback standards for the zoning district in which the lots are located or the more restrictive lot size and setback standards if the lots are located in different zoning districts, shall not be required to replat the lots and may disregard the interior lot line between the lots and elect to treat the lots as one lot under the following conditions:

- (a) The lots shall be treated as one lot for all purposes.
- (b) The exterior lot lines of the platted lots shall be used to determine the limits of the combined lots.
- (c) If the lots are located in two zoning districts, the more restrictive zoning district standards shall apply to the entire combined lot.
- (d) The City must be notified prior to any construction that the owner is electing to treat the lots as one. Such an election, once made, is irrevocable.

16.04 GENERAL USE RESTRICTIONS. (1) **PERMITTED USES.** Permitted uses are those uses specified for a district and their essential services.

(2) **ACCESSORY USES.** Accessory uses and structures are permitted in any district in accordance with the provisions of this chapter, but not until the principal structure is present or under construction.

(3) **CONDITIONAL USES.** Conditional uses and their accessory uses and structures are considered as special uses requiring review, public hearing, and recommendation by the Plan Commission in accordance with the provisions of this chapter.

(4) **TEMPORARY USES.** Temporary uses such as shelters for materials and

equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. Permits for temporary uses must be for a specific period not to exceed six months and for a specific use.

(5) **JOINT USE.** No part of any lot, yard, parking area, or other space required by this chapter for a structure or use shall be used for any other structure or use.

(6) **USES DEFINED BY SIC CODE.** All non-residential uses shall be described and classified using the SIC Codes as they appear in the most recent edition of the official publication known as the Standard Industrial Classification Manual, U.S. Department of Commerce, Office of Federal Statistical Policy and Standards, or any Supplement thereof.

16.05 ZONING DISTRICTS. (1) **ESTABLISHMENT.** The following zoning districts are hereby established:

- R-A Residential-Agriculture District
- R-1 Single Family Residential District
- R-2 One and Two Family Residential District
- R-3 Multiple Family Residential District
- C-1 General Business District
- C-2 Central Business District
- I General Industry District
- C Conservancy District
- U Utility and Government Use District
- PUD Planned Unit Development District

(2) **DISTRICT BOUNDARIES.** The boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map, City of Lancaster, Wisconsin" which accompanies and is part of this chapter. Such boundaries shall be construed to follow corporate limits; U.S. Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, and easements, or such lines extended unless otherwise noted on the zoning map.

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

(4) **ANNEXATIONS.** Annexations to the city subsequent to the effective date of this chapter shall be temporarily placed in a zoning district as determined by the Plan Commission. Within three (3) months of the filing of the petition, the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council.

(5) **ZONING MAP.** The zoning map adopted as part of this chapter shall bear

upon its face the attestation of the City Clerk and shall be available to the public in the office of the Zoning Administrator. The zoning map shall be updated annually to reflect any zoning changes. Zoning changes shall be effective immediately upon publication.

16.05A R-A RESIDENTIAL-AGRICULTURE DISTRICT. (1) **PURPOSE.** Provide a district which permits agriculture, animal husbandry, and forestry within the City until such time as the land is needed for more intensive development.

(2) **PERMITTED USES.**

- (a) Agriculture, animal husbandry, and forestry. (SIC Major Groups 01, 02, 08, 09)
- (b) Stands for the sale of agricultural products provided such products are raised on the premises.
- (c) Public parks and playgrounds.

(3) **CONDITIONAL USES.**

- (a) One family dwellings.
- (b) Elementary and secondary schools, public, parochial, and private.
- (c) Churches and cemeteries.
- (d) Utilities.
- (e) Home occupations (Conditional).
- (f) Professional home offices.
- (g) Bed and Breakfast Lodging (SIC Major Group 70).

(4) **PROHIBITED STRUCTURES.** No home less than 24 feet in width and 24 feet in length shall be allowed. That all residential structures shall have a minimum lot area as if located in a R-1 District concerning new subdivision construction.

(5) **DIMENSIONAL REQUIREMENTS.**

Minimum Lot Width:	150 feet
Minimum Lot Area:	1 acre per family
Minimum Yards:	Street: 50 feet
	Side: 50 feet
	Street Side: 50 feet
	Rear: 50 feet
Maximum Building Height:	35 feet

All principle structures shall have a pitched roof with 3.5 feet of rise for every 12 feet of run.

(6) **GUIDELINES FOR NUMBER OF FARM ANIMALS ALLOWED IN A PASTURE.**

Continuous pasturing for the season:

Rough or wooded pasture - 3 acres per animal
 Open pasture - 2 acres per animal
 Rotation grazing - 1 acre per animal
 Pastures should be fertilized in the spring and fall according to industry standards.

16.05B R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. (1) PURPOSE.
 Provide a residential district for primarily single family homes on large lots.

(2) PERMITTED USES.

- (a) One family dwellings.
- (b) Public parks and playgrounds.
- (c) Home occupations (Permitted).
- (d) Day care facilities

(3) CONDITIONAL USES.

- (a) Elementary and secondary schools.
- (b) Churches and cemeteries.
- (c) Utilities.
- (d) Two-family dwellings.
- (e) Home occupations (Conditional).
- (f) Professional home offices.
- (g) Bed and Breakfast Lodging (SIC Major Group 70).

(4) PROHIBITED STRUCTURES. No home less than 24 feet in width and with a minimum square foot per dwelling of 1,050 square feet shall be allowed. That all residential structures shall have a minimum lot area as if located in a R-1 District concerning new subdivision construction.

(5) DIMENSIONAL REQUIREMENTS.

Minimum Lot Width: 75 feet in new subdivisions and construction; 60 feet in areas identified below*	
Minimum Lot Area: One-Family	9,000 sq. ft. in new subdivisions and construction; 7,200 sq. ft. in areas identified below*
	Two-Family
Minimum Yards:	Street: 25 feet
	Side: An aggregate of 20' for both sides and no single side yard less than 8'
	Street Side: 20 feet
	Rear: 25 feet
Maximum Building Height:	35 feet maximum

All principle structures shall have a pitched roof with 3.5 feet of rise for every 12 feet of run.

*The following areas of the Original Plat of the City of Lancaster shall allow a minimum lot width of 60 feet and a minimum lot area of 7,200 square feet, to-wit:

- (a) Ryland's Addition;
- (b) Reed's Addition;
- (c) Heberlein Addition;
- (d) Burt's Addition;
- (e) Clarke's Subdivision;
- (f) Schmitts Addition;
- (g) Phillips Addition;
- (h) All those areas of the City of Lancaster as set forth in the 1918 Grant County Atlas.

16.05C R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT. (1)

PURPOSE. Provide a residential district which permits both single family homes and duplexes. The district permits the division of older larger single family homes into two units.

(2) PERMITTED USES.

- (a) Those uses permitted in the R-1 District.
- (b) Two-family dwellings.
- (c) Renting of rooms provided there are not more than 2 boarders or lodgers not members of the family.
- (d) Day care facilities.

(3) CONDITIONAL USES.

- (a) Elementary and secondary schools.
- (b) Churches and cemeteries.
- (c) Rest homes, nursing homes, homes for the aged.
- (d) Children's nurseries and day care centers.
- (e) Group homes.
- (f) Home occupations (Conditional).
- (g) Professional home offices.
- (h) Utilities.
- (i) Bed and Breakfast Lodging (SIC Major Group 70).
- (j) Renting of rooms with 3 boarders or lodgers not members of the family.

(4) PROHIBITED STRUCTURES. No home less than 24 feet in width and with a minimum square foot per dwelling of 1,050 square feet shall be allowed. That all

residential structures shall have a minimum lot area as if located in a R-1 District concerning new subdivision construction.

(5) DIMENSIONAL REQUIREMENTS.

Minimum Lot Width:	60 feet
Minimum Lot Area:	7,200 square feet
Minimum Yards: Street:	25 feet
Side:	An aggregate of 20' for both sides and no single side yard less than 8'
Street Side:	20 feet
Rear:	25 feet
Maximum Building Height:	35 feet

All principle structures shall have a pitched roof with 3.5 feet of rise for every 12 feet of run.

16.05D R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. (1) PURPOSE.
Provide a residential district for multi-family dwelling units.

(2) PERMITTED USES.

- (a) Those uses permitted in the R-1 and R-2 Districts.
- (b) Multi-family dwellings.
- (c) Children's day care and nurseries.

(3) CONDITIONAL USES.

- (a) Elementary and secondary schools.
- (b) Churches and cemeteries.
- (c) Rest homes, nursing homes, homes for the aged.
- (d) Group homes.
- (e) Home occupations (Conditional).
- (f) Professional home offices.
- (g) Utilities.
- (h) Mobile home parks.
- (i) Bed and Breakfast Lodging (SIC Major Group 70).

(4) PROHIBITED STRUCTURES. No home less than 24 feet in width and with a minimum square foot per dwelling of 1,050 square feet shall be allowed. That all residential structures shall have a minimum lot area as if located in a R-1 District concerning new subdivision construction.

(5) DIMENSIONAL REQUIREMENTS.

Minimum Lot Width:	60 feet
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Minimum Lot Area: One-Family or Two-Family	7,200 square feet
Multiple Dwelling Units with Three or More Units:	
(a) Efficiency units	2,000 sq. ft/dwelling unit
(b) One bedroom units	2,500 sq. ft/dwelling unit
(c) Two bedroom units	3,000 sq. ft/dwelling unit
(d) Three bedroom units	3,500 sq. ft/dwelling unit
Maximum Building Height:	35 feet maximum
Minimum Yards: Street:	25 feet
Side:	An aggregate of 20' for both sides and no single side yard less than 8'
Street Side:	20 feet
Rear:	25 feet

All principle structures shall have a pitched roof with 3.5 feet of rise for every 12 feet of run.

16.05E C-1 GENERAL BUSINESS DISTRICT. (1) PURPOSE. Provide a business district which permits commercial development outside the central business district.

(2) PERMITTED USES.

- (a) General merchandise stores (SIC Major Group 53).
- (b) Food stores (SIC Major Group 54).
- (c) Apparel and accessory stores (SIC Major Group 56).
- (d) Furniture, home furnishings, and equipment stores (SIC Major Group 57).
- (e) Eating and drinking places (SIC Major Group 58).
- (f) Miscellaneous retail (SIC Major Group 59 except fuel and ice dealers (SIC Major Group 598)
- (g) Finance, insurance and real estate services (SIC Major Groups 60-67).
- (h) Personal services (SIC Major Group 72).
- (i) Business services (SIC Major Group 73).
- (j) Miscellaneous repair services (SIC Major Group 76) except for repair of automobile equipment, agricultural equipment or other large pieces of equipment which require truck delivery.
- (k) Motion pictures (SIC Major Group 78).
- (l) Health services including use of helipad connected with hospital use (SIC Major Group 80).
- (m) Legal services (SIC Major Group 81).
- (n) Education services (SIC Major Group 82).
- (o) Social services (SIC Major Group 83).
- (p) Museums, art galleries, botanical and zoological gardens (SIC Major Group 84).

- (q) Membership organizations (SIC Major Group 86).
- (r) Miscellaneous services (SIC Major Group 89).
- (s) Public administration (SIC Major Groups 91-97).
- (t) Residential Use above a first floor permitted business use.
- (u) Communications (SIC Major Group 48).

(3) **CONDITIONAL USES.**

- (a) Building materials, hardware, garden supply and mobile home dealers (SIC Major Group 52).
- (b) Automobile dealers and gasoline service stations (SIC Major Group 55).
- (c) Fuel and ice dealers (SIC Major Group 598).
- (d) Establishments for repair of automobile equipment, agricultural equipment or other large pieces of equipment which require truck delivery (SIC Major Group 76).
- (e) Amusement and recreation services, except motion picture (SIC Major Group 79).
- (f) Utilities.
- (g) Car Washes (SIC Major Group 75).
- (h) Construction contractors (SIC Major Groups 15, 16 and 17).
- (i) A first floor residential use in a building with a permitted business use.
- (j) Highway oriented transportation service businesses (SIC Major Group 75).
- (k) Mini-storage buildings and warehousing units (SIC Major Group 42).

(4) **DIMENSIONAL REQUIREMENTS.**

Minimum Lot Width:	60 feet
Minimum Lot Area:	15,000 square feet
Minimum Yards:	Street: 25 feet
	Side: 10 feet
	Street Side: 10 feet
	Rear: 25 feet
Maximum Building Height:	35 feet maximum

16.05F C-2 CENTRAL BUSINESS DISTRICT. (1) **PURPOSE.** Provide a district for businesses located downtown which permits common wall construction and commercial development on smaller lots or assemblages.

(2) **PERMITTED USES.**

- (a) Those specified uses in the C-1 District.

(3) CONDITIONAL USES.

(a) Those conditional uses in the C-1 District.

(4) DIMENSIONAL REQUIREMENTS.

Minimum Lot Area:	No minimum requirements
Minimum Lot Width:	No minimum requirements
Minimum Yards:	Street: No minimum requirements
	Side: No minimum requirements
	Street Side: No minimum requirements
	Rear: No minimum requirements
Maximum Building Height:	50 feet

16.05G I GENERAL INDUSTRY DISTRICT. (1) PURPOSE. Provide a district exclusively for industry, warehousing and commercial activities requiring outside storage of equipment or vehicles. Such uses are generally considered incompatible with residential use and new residences are not permitted in the General Industry District.

(2) PERMITTED USES. Except as provided in subsection 16.05G (3)(b) and (c), the following uses are permitted in this district.

- (a) Agricultural services (SIC Major Group 07).
- (b) Construction contractors (SIC Major Groups 15-17).
- (c) Manufacturing (SIC Major Groups 20-39) under 50,000 square feet floor area.
- (d) Transportation, communication, electric, gas and sanitary services (SIC Major Groups 40-49).
- (e) Wholesale trade (SIC Major Groups 50-51).
- (f) Building materials, hardware, garden supply and mobile home dealers (SIC Major Group 52).
- (g) Automobile dealers and gasoline service stations (SIC Major Group 55).
- (h) Fuel and ice dealers (SIC Major Group 598).
- (i) Establishments for repair of automobile equipment, agricultural equipment or other large pieces of equipment which require truck delivery (SIC Major Group 76).
- (j) Amusement and recreation services, except motion pictures (SIC Major Group 79).
- (k) Utilities.
- (l) Highway oriented transportation service businesses (SIC Major Group 75).

(3) CONDITIONAL USES.

- (a) Mining (SIC Major Groups 10-14).
- (b) Private Wastewater treatment plants associated with any of the permitted uses in subsection 16.05G (2), subject to the conditions in subsection 16.14 (2).
- (c) Wastewater pretreatment facilities associated with any of the permitted uses in subsection 16.05G (2) that constitute a structure separate from the principal structure. Subject to the conditions in subsection 16.14 and any such additional requirements from subsection 16.14 (2) that the Zoning Administrator or Plan Commission shall require upon review of an application under subsection 16.14.

(4) DIMENSIONAL REQUIREMENTS.

Minimum Lot Area:	One acre
Minimum Lot Width:	100 feet
Minimum Yards:	Street: 25 feet
	Side: 10 feet
	Street Side: 15 feet
	Rear: 25 feet
Maximum Building Height:	35 feet

(5) SPECIAL CONDITIONS FOR LANCASTER INDUSTRIAL PARK.

- (a) Permitted Uses. A, C, E from subsection 16.05G (2).
- (b) Conditional Uses.
 - 1. Private wastewater treatment plants associated with any permitted uses, subject to the conditions in subsection 16.14 (2).
 - 2. Wastewater pretreatment facilities associated with any permitted use, subject to the conditions in Section 16.14 and any such additional requirements from subsection 16.14 (2) that the Zoning Administrator or Plan Commission shall require upon review of an application under Section 16.14.
- (c) Plans and Specifications.
 - 1. No buildings, fence, wall, sign, advertising device, roadway, loading facility, outside storage facility, parking area, site grading, planting, landscaping, facility or plant for industrial waste or sewage disposal, nor any other improvement shall be commenced, erected or constructed, nor shall any addition thereto or change or alteration therein be made (except to the interior of a building), nor shall any change in the use of any premises be made, until the plans and specifications therefore, showing any nature, kind,

shape, heights, materials, color scheme, lighting and location on the lot of the proposed uses or change in the use of the premises, shall have been submitted to and approved in writing by the Zoning Administrator. A copy of plans and specifications as finally approved shall be filed permanently with the Zoning Administrator. The Zoning Administrator shall have the right to refuse to approve any such plans or specifications or proposed use of the premises for any reason which the Zoning Administrator, in its sole discretion may deem in the best interests of the park and the owners or lessees or prospective owners or lessees of other properties therein.

2. Failure of the Zoning Administrator to act upon the plans and specifications submitted within thirty (30) days after submission shall constitute an approval of such plans.
3. Construction and alteration of all improvements in the park shall be in accordance with the requirements of all applicable Building, Zoning and other Codes and Regulations.
4. No site shall be less than one (1) acre in area.
5. No spoil excavated or dug on the park premises shall be removed from the area of the park and if the owner of any lot has any excess of such spoil excavated during construction, it shall be deposited at such location within the park as the Zoning Administrator shall in writing designate. However, the owner of the lot from which such spoil is removed shall not be responsible for the leveling thereof on any area so designated for depositing the excess spoil beyond or outside of the boundaries of the owner's lot. Spoils which are not needed in the park may be removed upon the written approval of the Zoning Administrator on a case by case basis.

(d) Development Standards

1. A scale drawing of any sign, trademark or advertising device to be used on any lot or the exterior of any building or structure shall be submitted to the Zoning Administrator in triplicate for the written approval by the Zoning Administrator. Normally, the occupant's trademark and/or trade name may be displayed on the building in the manner in which they are generally used by the occupant.
2. All present and future vehicular parking, including trucks, trailers, employee and visitor parking shall be provided on the premises and shall comply with all the provisions of the applicable Lancaster City Zoning regulations. All parking areas are to be paved and to

provide dust-free, all weather surfaces. No parking areas may be within the building setback lines, with the following two exceptions:

- a. Office employee and visitor parking may be permitted within the front yard setback lines subject to approval of the Zoning Administrator, and
- b. Lots bounded by more than one road may have parking areas within the building setback lines along roads other than the one on which the building fronts, subject to approval of the Zoning Administrator.

3. Buildings.

- a. The front facade and street side facades shall be brick, stone, architectural concrete panels, architectural metal, architectural wood and/or glass. Unfaced concrete block, structural, concrete, prefabricated metal siding, and the like are prohibited from such facade areas.

The use of these materials elsewhere shall only be in a manner approved by the Zoning Administrator.

- b. All elevations of the building shall be designed in a consistent and coherent architectural manner.
- c. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design.

4. Landscaping.

- a. The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the curb and a point ten (10) feet in back of the front property line shall be landscaped, except for any access driveway in said area. Notwithstanding the above, the entire area between the right-of-way and the building setback line of any property fronting on U.S. Highway 61 shall be densely landscaped with a combination of landscape plantings and earth berming to create an effective visual screen on all use areas with the exception of the

building facade.

- b. Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrubs and trees. Consult Director of Public Works before planting trees.
 - c. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition and shall be landscaped if required by the Zoning Administrator.
 - d. Areas used for parking shall be landscaped and/or fenced in such a manner as to interrupt or screen said areas from view from access streets, freeways and adjacent properties. Plant materials used for this purpose shall consist of lineal or grouped masses or shrubs and/or trees.
5. No loading shall be allowed which is directly visible from U.S. Highway 61. Street side loading shall be allowed provided the loading dock is set back a minimum of seventy (70) feet from the street right-of-way line. Said loading area must be screened from view from adjacent streets with materials approved by the Zoning Administrator.
 6. All outdoor storage shall be visually screened from access streets, U.S. Highway 61 and adjacent property. Said screening shall form a complete opaque screen up to a point eight (8) feet in vertical height but need not be opaque above that point. Outdoors storage shall be meant to include parking of all company-owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.
 7. Refuse Collection Areas. All outdoor refuse collection areas shall be visually screened from access streets, U.S. Highway 61 and adjacent property by a complete opaque screen. No refuse collection areas shall be permitted between a frontage street and the building line.
 8. No materials, supplies or products shall be stored or permitted to remain on the premises outside a permanent structure without the prior written consent of the Zoning Administrator.
 9. No building shall be painted, repainted, stuccoed or be surfaced with any material unless and until the Zoning Administrator approves the color and/or material in writing.

10. Occupants of the park shall not cause or make any excessive noise, odors, harmful sewage or vibration that is objectionable to other occupants and that would conflict with the purposes and restrictions of the park, and shall not create or maintain a nuisance. Each occupant must provide for trash disposal from his building.
11. No rubbish may be burned on the premises within the park except in an incinerator especially constructed and designated for this operation and approved by the Fire Chief and the Wisconsin Department of Commerce.
12. Architectural review by the Zoning Administrator will take into account the appearance of all buildings, parking areas and storage areas as viewed from U.S. Highway 61.

(e) Maintenance

1. Each lot owner shall at all times keep his premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall keep all grass, trees, shrubbery in good appearance at all times and shall comply with all laws, ordinances and regulations pertaining to health and safety. Each lot owner shall provide for the removal of trash and rubbish from his premises. If lot owner fails to comply with these requirements, the City will perform the work and assess a charge normal to the activity.
2. During construction, it shall be the responsibility of each lot owner to insure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, shacks and the like are kept in a neat and orderly manner. Proper erosion control during construction should be maintained.
3. The Declarant agrees to maintain all undeveloped land owned by it within the park in a manner compatible with the provisions of this Article.
4. The lot owner and prime contractor(s) shall control soil and water loss so as to prevent damage to other properties and structures in the industrial park and beyond.

(f) Performance Standards. Any use in the Lancaster Industrial Park shall comply with the following regulations:

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

Frequency Cycles Per Second	Maximum Sound Level - Decibels
0-75	70
75-150	67
150-300	59
300-600	52
600-1,200	46
1,200-2,400	40
2,400-4,800	34
Over 4,800	32

Frequencies and sound levels shall be measured with an Octave Band Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United States of America Standards Institute.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, heat frequency, impulse character, periodic character or shrillness.

- Air Contaminants. No smoke, soot, flash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or radioactive substance, waste or particulate, solid, liquid or gaseous matter shall be introduced into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that they would interfere with the safe and comfortable enjoyment of life or property or any use permitted in this industrial park.

The limits on emission for particular contaminants shall be determined and enforced as provided for under the NR 154.02, Wisconsin Administrative Code.

- Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this section. No wastes shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. All liquid waste shall be in conformance with Sections ILHR 81-85 and ILHR 10 of NR 125.01, Wisconsin Administrative Code.

- 4. Electrical Emission. There shall be no electrical emission beyond the property line which would adversely affect any other use or adjacent property owners to the industrial park.
- 5. Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line if it would constitute a nuisance, hazard or be recognized by a reasonable person as offensive. Provided, however, that nothing in this section shall prohibit night illumination of a property within the district.
- 6. Vibration. There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth below beyond the boundary of this industrial park, under any conditions, nor beyond the property line if it would adversely affect any other use within the industrial park.

Frequency Cycles Per Second	Maximum Permitted Displacement Along Subdivision Boundaries (In Inches)
0-10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and Over	.0001

16.05H CON - CONSERVANCY DISTRICT. (1) PURPOSE. To provide a district for protection of natural resources, park and outdoor recreation uses, preservation of scenic resources, and protection of archaeological or natural features. The intent of the district is to restrict all structures in such district to only those necessary for the maintenance or operations of permitted uses.

(2) PERMITTED USES.

- (a) Agriculture, animal husbandry, and forestry (SIC Major Groups 01, 02, 08, 09) Uses.
- (b) Public or private owned open space.
- (c) Scenic, historic, or scientific areas.
- (d) Public parks and playgrounds.

(3) DIMENSIONAL REQUIREMENTS.

Minimum Lot Area:	One acre
Minimum Lot Width:	150 feet
Minimum Yards: Street:	25 feet
Side:	10 feet
Street Yard:	10 feet

Rear: 25 feet
Maximum Building Height: 35 feet

16.05I U - UTILITY AND GOVERNMENT USES DISTRICT. (1) PURPOSE. Provide a district for public utilities, government uses, communication, or transportation uses and the necessary buffer areas to assure public health, safety, and general welfare. Uses specifically permitted in the Utility District (U) include, but are not limited to, waste water treatment plants, airports, and solid waste disposal sites.

(2) PERMITTED USES.

(a) Transportation, communication, electric gas and sanitary services (SIC Major Groups 40-49).

(b) Agriculture, animal husbandry, and forestry (SIC Major Groups 01, 02, 08, 09).

(c) Government uses (SIC Major Groups 91-96).

(3) CONDITIONAL USES.

(a) Mining (SIC Major Groups 10-14).

(4) DIMENSIONAL REQUIREMENTS. No specific dimensional requirements. Each district area designated on the zoning map shall be determined by the specific needs of the utility plus the provision of adequate buffer areas as determined by the Planning Commission as necessary to assure public health, safety, and general welfare.

16.05J PUD - PLANNED UNIT DEVELOPMENT DISTRICT. (1) PURPOSE. The purpose of the Planned Unit Development District is to allow a greater degree of flexibility in the design, siting and form of ownership where deviation from use or dimensional requirements would provide either better use of a site or better quality commercial or residential development. Deviations include permitting more than one principal building or use per lot. PUD's must be in full compliance with all requirements of this chapter and other regulations of the City of Lancaster, except where specific deviations are requested in the application, granted by the City Council and recorded in accordance with the provisions of this chapter.

(2) SUBMITTAL REQUIREMENTS. In addition to the normal information required for a Zoning Permit, PUD applications shall be accompanied by the following:

(a) An accurate development plan of the project area at a scale of not less than 1"=20' showing the location and size of all proposed and existing principal and accessory buildings, building entrances, public and private drives, parking facilities, and walkways.

(b) A landscape plan showing existing and proposed vegetation.

(c) A description of the number, type and size of residential dwelling units, if any.

(d) A description of the form of ownership (i.e., whether the project is rental or condominium) and a description of who will manage and maintain common spaces.

(e) A proposed developer's agreement between the City and the developer setting forth the parties respective obligations and duties.

(3) **RECORDATION.** The City Council may require the applicant to record documents pertaining to conditions of approval, management or maintenance with the Grant County Register of Deeds as a prerequisite to issuance of a Conditional Use Permit.

(4) **CHANGES IN THE PUD DEVELOPMENT PLANS.** No changes in the PUD development plans as approved by the City Council shall be permitted unless specifically approved under the provisions of this chapter.

(5) **STANDARDS FOR REVIEWING PUD'S.** The City Council shall review the development plans and other pertinent information and base their approval, rejection or conditional approval on the following guidelines:

(a) Walls containing entrances and windows shall be so oriented as to ensure adequate light and air exposure.

(b) Each building shall have adequate access for emergency vehicles.

(c) The overall density of any residential project shall not exceed twenty (20) dwelling units per acre.

(d) Where there are deviations from dimensional requirements, developers shall provide landscaped buffers to compensate for the deviation.

(e) Deviations from yard dimensional requirements for lot lines abutting R-1, R-2 or R-3 residential zones shall not be permitted.

(f) Compatibility with nearby uses.

(g) Adequate street access and capacity to accommodate the proposed development.

(h) Adequate water, storm sewer and sanitary sewer service.

(i) An acceptable developer's agreement between the developer and the City.

(6) **APPROVAL OF THE APPLICATION AND MAINTENANCE OF RECORDS.** The complete file of the application, minutes of all deliberations, and specific conditions of approval shall be maintained by the Zoning Administrator as a record of the rules and requirements for each PUD District. The motion of approval or conditional approval of a PUD by the City Council shall include by reference all of the submitted materials specified in Section 16.02 and such submitted documents shall become part of this chapter.

16.06 MOBILE HOME PARKS. (1) **STATUTES APPLY.** The provisions of §66.058, Stats., and HSS 177 of the Wis. Admin. Code, and the definitions therein are hereby adopted by reference. To insure uniformity between City of Lancaster

ordinances and State of Wisconsin regulations, any future amendments, revisions or modifications of the statutes and Wisconsin Administrative Codes incorporated herein are made a part of this chapter.

(2) LOCATION OUTSIDE MOBILE HOME PARK.

(a) Temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley or highway. In case of emergency or breakdown such parking or stopping shall be permitted for not more than 24 hours.

(b) Existing mobile homes outside of a mobile home park, not meeting the specifications of width and square footage shall be classified as existing not conforming uses and subject to the provisions of the applicable chapters of the Municipal Code of the City of Lancaster.

(3) MANAGEMENT OF MOBILE HOME PARKS. In addition to the duties of the mobile home park operator or manager as described in HSS 177 of the Wisconsin Administrative Code, the following shall apply:

(a) The mobile home park operator or manager shall furnish information to the City Clerk on mobile homes added to the park within 5 days of their arrival, on forms furnished by the City Clerk.

(b) The mobile home park operator shall request the City Clerk to assign a street address to each mobile home. Said address shall correspond with lot number as shown on the mobile home park plan. The park operator shall display said address in a manner easily visible from the street.

(4) APPLICABILITY OF CITY OF LANCASTER BUILDING CODE. All plumbing, HVAC, electrical, building and other work on or at any licensed mobile home park, or at or within any mobile home within or outside of a mobile home park, shall be in accordance with this code and the requirements of the City of Lancaster Building Code.

(5) MOBILE HOME PARK PLANS.

(a) Applications for a Conditional Use Permit shall include mobile home park plans which clearly show or provide the following items of information:

1. Lot layout and pad locations.
2. Setback lines.
3. Location of recreation areas.
4. Location and extent of related non-residential uses (laundromat, shelter, etc.).

5. Location of the mobile home park signage.
6. Traffic, parking, and access plans.
7. Sidewalk layout.
8. Utility improvements.
9. Landscaping and screening.

(6) DIMENSIONAL REQUIREMENTS.

(a) Density: The maximum allowable density in a mobile home park development shall be eight units or lots per acre.

(b) Minimum lot size: Individual lots within a mobile home park must contain an area of not less than four thousand square feet.

(c) Required separation between manufactured homes: Mobile homes shall be separated from each other and from other buildings or structures by at least 20 feet. Structural attachments to mobile homes, such as porches, storage sheds, and the like, are considered part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original mobile home park plan and shall not be closer than 5' to the principal structure or any lot line.

(d) Setbacks: Each mobile home shall be located a minimum of ten feet from any mobile home lot line. There shall be a minimum distance of twenty feet between the mobile home stand and an abutting public or private street right-of-way. All mobile homes shall be located at least fifteen feet from any park boundary except where the adjoining property is also a mobile home park.

(e) Regulation for All Residential Structures.

1. All residential structures shall be permanently affixed to the property on which they are sited and held in common ownership with said property and classified and taxed as real estate.
2. Permanent connections to all available utilities shall be made to each residential structure.
3. Any and all appendages or accessory uses such as steps, carports, garages, storage buildings, decks and awnings or additions and alterations shall be done in accordance with the adopted addition of the Uniform Building Code.

(f) Regulations for Manufactured Housing.

1. All manufactured homes shall be certified by the U.S. Department of Housing and Urban Development inspectors as meeting the

National Manufactured Housing Construction and Safety Standards Act of 1974, effective June 15, 1976 (HUD Code), and any subsequent amendments thereto.

2. Each manufactured home shall be installed, with or without basement, on a site-built permanent foundation system that meets or exceeds applicable requirements of the building codes as detailed in the "Guidelines for Manufactured Housing Installations." Permanent masonry or concrete perimeter enclosures shall be required and shall conform to the adopted edition of the Uniform Building Code as specified for foundation walls.
3. The manufactured home, when fully installed, must generally have the appearance of a site-built single-family dwelling.
4. Towing hitches and running gear, which includes tongues, axles, brakes, wheels, lights, and other parts of the chassis intended to be operated only during transport, shall be removed.
5. Exterior siding and trim materials shall consist of durable weather-resistant materials approved for dwelling construction. In no case may corrugated metal, fiberglass, plastics, or typical trailer coach or recreational vehicle-type coverings be used.
6. The roof shall have a minimum pitch of a three-inch (3") rise to twelve-inch (12") run with six-inch (6") eaves and gable overhangs.
7. Roofing materials shall consist of composition asphalt shingles or other shingle materials pre-approved by the building inspector.
8. The manufactured home is required to have outside hose bibs attached to the front and back of the home.
9. All manufactured homes must meet requirements of the Municipal Code of the City of Lancaster pertaining to the residential section.

(7) ACCESS REQUIREMENTS.

(a) Park Entrance. Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

(b) Internal private streets. All private roadways shall be surfaced with a seal coat, bituminous, or concrete surface so as to be dust free and properly drained and of adequate width to accommodate anticipated traffic.

(8) PARKING REQUIREMENTS.

(a) Occupant Parking. A minimum of two parking spaces shall be provided for each mobile home lot. Each space shall be a minimum of 180 square feet. The parking spaces shall be a smooth, hard surface pavement.

(b) Recreation Vehicle Parking. Parking of boats, trailers, campers, snowmobiles or other motorized recreational vehicles shall be restricted to an area or areas provided by the park management specifically for said purposes and in the event no such area is provided by park management, such boats, trailers and camper mobiles shall not be parked in a mobile home park.

(9) SUBSURFACE TORNADO SHELTERS. All mobile home parks shall provide a basement or a comparable subsurface shelter suitable for sheltering mobile home park residents in the event of a tornado or other natural or man-caused disaster. Such a shelter shall be on the grounds of the mobile home park. The shelter shall provide at least thirty (30) square feet of available floor area for each mobile home lot in the park.

(10) EXISTING MOBILE HOME PARKS. The lawful nonconforming use or layout of a mobile home park existing at the time of the adoption or amendment of this chapter may be continued even though the use or layout does not conform with the provisions of this chapter. However, only that portion of the land in actual use may be so continued and the park may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

16.07 TRAFFIC, PARKING, AND ACCESS. (1) VISION TRIANGLE SETBACK.. No obstructions, such as structures, signs or vegetation, shall be permitted except for City traffic signs, and vegetation less than 30" in height.

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

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

(a) Adequate access to a public street shall be provided for each parking space and driveways shall be at least 10 feet wide for one- and two-family dwellings and a minimum of 24 feet wide for all other uses.

(b) The size of each parking space shall be not less than 180 square feet, exclusive of the space required for ingress and egress. The minimum

dimension for parking stalls shall be 10 feet by 18 feet.

(c) The location of parking spaces shall be on the same lot as the specified use and not more than 400 feet from the specified use.

(d) Surfacing. All off-street parking areas for more than 1 vehicle shall be graded and surfaced with seal coat, bituminous or concrete surface so as to be dust-free and properly drained. Any parking area for more than 5 vehicles shall have aisles and spaces clearly marked. All off-street parking areas for less than 2 vehicles shall be graded and surfaced with a crushed limestone or other comparable material so as to be dust-free and properly drained. Parking on non-surfaced yard areas shall be limited to one vehicle.

(e) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

(f) Parking stalls shall be prohibited in the front yards of all R-1 and R-2 districts except for driveways and apron entrances to double garages no wider than 20 feet.

(4) NUMBER OF PARKING STALLS REQUIRED.

(a) Automobile repair garages and service garages. One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work.

(b) Bowling alleys. Four (4) spaces for each alley.

(c) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly. One (1) space for each three (3) seats.

(d) Colleges, secondary and elementary schools. One (1) space for each employee plus one (1) space for each four (4) students of 16 years of age or more.

(e) Financial institutions, business, government, and professional offices. One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.

(f) Funeral homes. Twenty (20) spaces for each viewing room.

(g) Fuel stations. Three (3) spaces for each indoor stall or similar facility plus one (1) space for each attendant.

(h) Hospitals, sanitariums, institutions, rest and nursing homes. One

(1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.

(i) Hotels, motels. One (1) stall for each guest room plus one (1) stall for each three (3) employees.

(j) Lodges and clubs. One (1) space for each five (5) members.

(k) Manufacturing and processing plants, (including meat and food processing plants), laboratories, and warehouses. One (1) space for each 500 square feet of principal building area or one (1) space for each two (2) employees on maximum shift, whichever is greater.

(l) Medical and dental clinics. Four (4) spaces for each doctor.

(m) Motor vehicle sales (new and used). One (1) space for each 500 square feet of floor area plus 300 square feet of outdoor display area for each motor vehicle to be displayed.

(n) Multi-family dwellings. 1.5 stalls for each room in the unit used as sleeping quarters.

(o) Repair shops, retail and service stores. One (1) space for each 250 square feet of floor area plus one (1) space for each two (2) employees.

(p) Restaurants, bars, places of entertainment. One (1) space for each 50 square feet of floor area plus one (1) space for each two (2) employees.

(q) Retirement homes, elderly housing, congregate housing, orphanages, convents, and monasteries. One (1) space per 1,000 feet of principal floor area.

(r) Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories. One (1) space for each of 75% of the number of beds contained therein.

(s) Single-family homes. Two (2) stalls for each dwelling unit.

(t) Two-family homes. Two (2) stalls for each dwelling unit.

(u) Uses not listed. In the case of structures or uses not mentioned, the number of stalls required shall be set by the Plan Commission.

(v) Combinations of any of the above used shall provide the total of the number of stalls required for each use.

(5) **PARKING IN THE CENTRAL BUSINESS DISTRICT (C-2).** Parking stall requirements specified in Section 16.04 may be waived or modified by the Planning Commission in the Central Business District (C-2), but when they are provided they shall conform to requirements of size, access, surfacing and barriers as specified in this chapter.

(6) **DRIVEWAYS.**

(a) No direct public or private driveway access shall be permitted to the existing or proposed right-of-ways of the following.

1. State Highways must have permission from the highway agency that has access jurisdiction.
2. Arterial Streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
3. Streets Intersecting an Arterial Street within 50 feet of the intersection of the right-of-way lines.
4. Local and Collector Streets driveways may be located up to the intersection of the right-of-way lines if needed but attempts should be made to stay back a minimum of 10 feet from the intersection of the street right-of-way lines.

Temporary access to the above right-of-ways may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 6 months.

(7) **HIGHWAY ACCESS.** No direct private access shall be permitted to the existing or proposed right-of-ways of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

No direct public or private access shall be permitted to the existing or proposed right-of-ways of the following:

(a) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.

(b) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.

Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress and

egress to the above specified streets or highways. Temporary access to the above right-of-ways may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 6 months.

16.08 HOME OCCUPATIONS. (1) HOME OCCUPATIONS CLASSIFIED. There are three classes of home occupations as follows:

(a) Home Occupations (Permitted): Any occupation conducted within the principal building by residential occupants which is incidental to the residential use of the premises. Home occupations (Permitted) must meet the following criteria:

1. Use no more than 25% of the square footage of the principal building and require no use of accessory structures.
2. Require no outside storage of equipment, materials, or vehicles used for commercial purposes.
3. Employ no persons other than residents of the premises.
4. Involve no storage or distribution of material or products not manufactured on the premises.

(b) Home Occupations (Conditional): Any occupation conducted within the principal and/or accessory building by residential occupants which is incidental to the residential use of the premises which exceeds the criteria for a Home Occupation (Permitted) but meets the following criteria:

1. Uses no more than 25% of the square footage of the principal building.
2. Requires no outside storage of equipment, materials, or vehicles used for commercial purposes.
3. Employs no more than one (1) person other than residents of the premises.

(c) Professional Home Office: Residences of professionals including, but not limited to, doctors of medicine, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, attorneys, and teachers, and which are used to conduct their professions where the office does not exceed one-half the area of the residence and where not more than one non-resident is employed.

(2) HOME OCCUPATION REQUIREMENTS.

(a) Home Occupations (Permitted) are permitted uses in all residential zoning districts (R-A, R-1, R-2, R-3).

(b) Home Occupations (Conditional) and Professional Home Offices are conditional uses in all residential zoning districts (R-A, R-1, R-2, R-3). In reviewing applications for Home Occupations (Conditional) and Professional Home Offices the Planning Commission shall consider the following:

1. Compatibility with neighborhood
2. Traffic generation
3. Parking availability
4. Noise, odors, vibrations or other emissions which could threaten public health, safety, or welfare.

(3) SIGNS FOR HOME OCCUPATIONS. Home occupations may have no more than one (1) sign not larger than eight (8) square feet in size. Such sign shall not be located within ten (10) feet of a lot line. No signs for home occupations shall be illuminated or move in a manner to be noticeable from the public right-of-way or neighboring properties. All signs for home occupations must be approved by the Plan Commission.

(4) REQUIRED INSPECTIONS FOR HOME OCCUPATIONS. Prior to the commencement of any home occupation, the premises to be so used shall be inspected by the City Building Inspector and City Fire Inspector.

16.09 SIGNS. (1) PURPOSE. The purpose of this section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the city limits of the City of Lancaster. This section recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication.

This code authorizes the use of signs visible from public right-of-way, provided the signs are:

- (a) Compatible with the Zoning Regulations as set forth in this chapter.
- (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (c) Legible, readable, and visible in the circumstance in which they are

used.

(d) Respectful of the reasonable rights of others and of other advertisers whose messages are displayed.

(2) ADMINISTRATION. The Zoning Administrator shall administer this section and is referred to herein as the Sign Inspector.

(3) DEFINITIONS AND DISTRICT CLASSIFICATIONS.

(a) Definitions adopted for reference in this Section are as follows:

1. Abandoned Sign - A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product.
2. Area of Copy/Gross Area - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration of a wall sign.
3. Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled.
4. Billboard - See "Off Premises Signs".
5. Building Facade - That portion of a building which is parallel or nearly parallel to the abutting roadway.
6. Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.
7. Canopy Sign - Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this section, canopy signs shall be controlled by the rules governing projecting signs.
8. Changeable Message Sign - A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric, or manual, where copy changes. Any sign may be, or include as a part of it, a changeable message sign.
9. Directional Sign - Any sign which serves to designate the location

of or direction to any place or area.

10. Double-faced Sign - A sign with copy on two faces, facing in different directions.
11. Electric Sign - Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
12. Electric Sign Contractor - A person, partnership, or corporation which, in the normal course of business, frequently installs and maintains electric signs.
13. Electronic Message Sign - A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.
14. Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent, flashing, or rotating light by means of animation, or an eternally mounted intermittent light source, not including changeable message signs.
15. Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
16. Ground Sign - A sign erected on one or more free-standing supports or uprights and not attached to any building.
17. Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
18. Legal Non-conforming Sign - A non-conforming sign that did meet code regulations when it was originally installed.
19. Non-conforming Sign - A sign that does not meet code regulations.
20. Portable Sign - Any sign not permanently attached to the ground or a building.
21. Off-Premises Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.
22. On-Premises Sign - Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained excluding

window signs.

23. Projecting Sign - A sign, normally double-faced, which is attached to and projects from a structure or building facade. The area of projecting signs are calculated on one face only.
24. Roof Sign - A sign erected upon, against, or above a roof.
25. Sandwich Sign - A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near a roadway.
26. Shopping Center - A group of commercial establishments planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its locations, size, and type of shapes to the trade area which the unit serves.
27. Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information, or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.
28. Sign Contractor - Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs.
29. Sign Inspector - That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this code. The Zoning Administrator is herein referred to as the Sign Inspector.
30. Sign Structures - Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
31. Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
32. Temporary Sign - A sign that is temporary in nature (not to exceed 30 days in existence).
33. Wall Sign - A sign attached to the wall of a building with the face in a parallel plane of the building wall. This includes signs painted directly on a wall.

34. Window Sign - A sign installed on a window for the purposes of viewing from outside the premises.

(b) Zoning Districts referenced in this Section are:

1. R-A - Residential Agriculture
2. R-1 Single Family Residential
3. R-2 One & Two Family Residential
4. R-3 Multi-Family Residential
5. C-1 General Business
6. C-2 Central Business
7. I - General Industry
8. Con - Conservancy District
9. U - Utility & Government Uses
10. PUD - Planned Unit Development
11. Manufactured Home Parks

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

(5) APPLICATION FOR A PERMIT. Application for a Permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator and shall contain the following information:

(a) Name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor involved in the project.

(b) Identification of the subject location of the sign including Zoning District.

(c) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size dimensions, and kind of materials to be used in such structure.

(d) A site plan showing the building on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.

(e) Such other information as the Sign Inspector may require to show full compliance with this and all other applicable laws of the City of Lancaster.

(f) Signature of the applicant and owner, if not the applicant.

(g) Fee receipt for required permit fees.

(6) FEES FOR SIGN PERMITS. Fees for Sign Permits shall be as established under the Fee Schedule Ordinance. A copy of which is kept in the office of the City Clerk.

(a) On-Premises signs visible from a public street shall be calculated at a basis of \$.15 per square foot. The calculations of the area of a ground sign, roof sign, or projecting sign shall be based on gross area of one face of the sign. The area of wall signs shall be the gross area as per Subsection (3)(a)2.

(b) Off-Premises signs shall be calculated on the basis of \$.15 per square foot based on the total area of the sign.

(7) PERMIT ISSUANCE AND DENIAL. The Sign Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Lancaster when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the City of Lancaster. If the sign permit is denied by the Sign Inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial along with the return of all permit fees and papers.

(8) APPEALS.

(a) Appeals may be filed in accordance with Section 16.16 of this Code.

(b) The Sign Inspector's failure to either formally grant or deny a sign permit within forty-five days of the date an application meeting the requirements of this section is filed, shall be cause for appeal to the Zoning Board of Appeals.

(9) CONSTRUCTION SPECIFICATIONS.

(a) All signs shall comply with the provisions of the City of Lancaster Zoning Code and the additional construction standards hereinafter set forth.

(b) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.

(c) Electric service to ground signs shall be concealed wherever possible.

(10) GENERAL DESIGN REQUIREMENTS.

(a) Any ground sign or projecting sign within twenty five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of way, shall maintain a minimum of ten (10) feet between the bottom of the sign and grade at the right-of-way line or shall be not more than three (3) feet in height.

(b) Canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight (8) feet.

(c) Projecting signs may extend not further than eight (8) feet from the building to which they are attached, nor be less than ten (10) feet, bottom of sign to grade.

(d) No Sign may extend closer than two feet from the vertical plane of the street curb, or if no curb exists, not more than eight (8) feet beyond the vertical plane of the official map right-of-way line. No sign structure may be located in the right-of-way.

(e) A roof sign shall be a conditional use in the district in which it is requested and shall not be granted without Plan Commission approval.

(f) The gross area of permanent window signs shall not exceed thirty-three (33%) percent of the gross window area of any given building facade.

(g) Any sign location that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.

(h) No sign facing a residential zoned district shall be closer than twenty five (25) feet to that district line.

(11) INSTALLATION AND MAINTENANCE SAFETY. All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This section recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Sign Inspector may deny a sign permit if the sign contractor does not have

or does not arrange for use of adequate equipment. The Sign Inspector may also cite the sign contractor for a violation of this chapter if he fails to use proper equipment in the maintenance of signs.

(a) Every sign, including but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except where a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.

(b) The Sign Inspector shall require compliance with all standards to this section. If the sign is not maintained to comply with the standards outlined in this section, the Sign Inspector shall require its removal in accordance with this section.

(12) REMOVAL AND DISPOSITION OF SIGNS.

(a) Abandoned Signs. At the termination of a business, commercial or industrial enterprise, all signs shall, within sixty (60) days, be removed from the public view. If more than 60 days are needed, an extension may be requested by applying to the Plan Commission. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings. If the owner fails to remove the sign, the Sign Inspector shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the City of Lancaster may cause removal to be executed, the expenses of which will be assessed to the tax roll listing of the property on which the abandoned sign is located.

(b) The Sign Inspector shall require compliance with all standards to this section. If the sign is not maintained to comply with the standards outlined in this section, the Sign Inspector shall require its removal in accordance with this section.

(c) Deteriorated or Dilapidated Signs. The Sign Inspector shall cause to be removed, any deteriorated or dilapidated signs under the provisions of §66.05, Stats.

(13) LEGAL NON-CONFORMING SIGNS.

(a) Signs lawfully existing at the time of the adoption or amendment of this section may be continued, although the use, size, or location does not conform with the provisions of this section, however, shall be deemed non-conforming uses or structures and the provisions of Section 16.13 shall apply.

(b) Maintenance and Repair. Nothing in this section shall relieve the owner or user of a legal non-conforming sign or the owner of the property on which the sign is located from the provisions of this section regarding safety,

maintenance and repair of signs.

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

(a) Abandoned Signs

(b) Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited. Any sign with lighting detrimental to traffic visibility or safety is prohibited.

(c) Swinging Signs over fifty (50) square feet in area.

(d) Signs which bear or contain statements, words, or pictures of obscene, pornographic or immoral subjects.

(e) Signs which are an imitation of, or resemble in shape, size, copy, or color, an official traffic sign or signal.

(f) Advertising Vehicles. No person shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.

(g) Portable signs that could endanger public safety.

(h) Flashing signs.

(i) Semi trailer or trailer signs.

(15) SIGNS NOT REQUIRING A PERMIT.

(a) Construction signs. Two (2) construction signs per construction site, not exceeding thirty two (32) square feet in area each, confined to the site of construction. Such sign shall be removed within thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.

(b) Direction and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as

those identifying restrooms, telephone, parking areas, entrances, and exits.

(c) Non-illuminated emblems or insignias of any nation or political subdivision, profit or non-profit organization, less than ten (10) square feet in area.

(d) Government Signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

(e) Home Occupation Signs. Signs associated with the home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed eight (8) square feet in area and have been approved by the Plan Commission.

(f) House Numbers and Name Plates. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial, or industrial building.

(g) Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the construction, maintenance and safety sections of this section.

(h) Memorial Signs and Plaques. Memorial Signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material, which do not exceed four (4) square feet in area.

(i) No Trespassing or No Dumping Signs. No trespassing and no dumping signs not to exceed four (4) square feet in area.

(j) Public Notices. Official notices posted by public officers or employees in the performance of their duties.

(k) Public Signs. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.

(l) Political and Campaign Signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

1. Each sign, except billboards, shall not exceed nine (9) square feet in non-residential zoning districts and six (6) square feet in residential zoning districts.

2, No sign shall be located within fifteen (15) feet of the public right-of-way, a street intersection nor on or over the right-of-way nor shall said sign be located in any vision triangle.

(m) Real Estate Signs. One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated nor shall said sign be located in any vision triangle.

1. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.
2. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease of the property has been accomplished.

(n) Temporary Window Signs. In business, commercial, and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50%) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs may not be posted for a period of longer than thirty (30) days.

(o) On-Premises Symbols or Insignias. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

(p) On-Premises Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, education, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within five (5) days after the event.

(q) Vehicular Signs. Truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

(r) Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name, that it shall not be located within a vision triangle and that it shall be approved by the Zoning Administrator.

(16) SPECIAL SIGNS. The following signs may be allowed with a special permit issued by the Zoning Administrator:

(a) Subdivision or Development Signs. A temporary sign in any Zoning District in connection with the marketing of lots or structures in a subdivision or development subject to the following restrictions:

1. Such permits may be issued for a period of not more than one (1) year and may be renewed for additional periods of up to one (1) year upon written application at least thirty (30) days prior to its expiration.
2. Signs as used in this section refer to all types of signs except those excepted or prohibited by this chapter.
3. The sign must be located on the property being developed and must comply with all applicable building setback requirements for the district.
4. The sign may not exceed thirty-two (32) square feet.
5. One sign is allowed for each five (5) acres of the subdivision or development with a maximum of one sign if the subdivision or development is under five (5) acres.
6. The sign may not be allowed in vision triangles.

(b) Banners and Other Promotional Devices. Banners, pennants, searchlights or balloons shall not be used on a permanent basis. The use of such promotional devices shall require a Special Permit issued by the Zoning Administrator.

1. In residential districts, such promotional devices may be used by a Realtor in conjunction with an open house or model home demonstration for up to five (5) days before the opening of such demonstration and must be removed within thirty days (30) or five (5) days after the close of such demonstration, whichever occurs first.
2. In business and industrial districts, such devices will be allowed for special sale promotions, grand open celebrations, etc. not to exceed a period of ten (10) days. Such promotional devices must be located on the premises where such promotion or opening is being held.

(c) Over the Street Banners. Unlighted event banners for civic events, not exceeding one hundred twenty (120) square feet in area are permissible over a street by special permit from the Zoning Administrator after presentation of specifications to the Zoning Department and proof of insurance.

1. The lowest portion of said banner may not be lower than sixteen (16) feet above the traveled portion of roadway over which said banner is located.
2. Banners must be erected no sooner than thirty (30) days prior to event & be removed within two (2) days after the close of the event.

(17) SIGNS PERMITTED BY ZONING DISTRICTS, SUBJECT TO THE FOLLOWING:

(a) Residential Districts - R-A Residential Agricultural, R-1 - Single Family Residential, R-2 - One & Two Family Residential, R-3 Multi Family Residential and Manufactured Home Districts.

1. Permitted Signs
 - a. Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
 - b. Special signs authorized by the Zoning Administrator.
 - c. Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall be limited to an area not exceeding six (6) square feet. Such sign shall not be closer to the ground than three (3) feet and shall not extend higher than six (6) feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of subsection (17)(b)1.f. of this chapter.
2. Signs Permitted by Variance Approval by the City Zoning Board of Appeals.
 - a. Business Identification signs for Conditional Uses or for existing non-conforming uses based on the following:
 1. Wall signs and directional signs and one ground sign per street.
 2. Area restrictions of twenty four (24) square feet for each ground sign and the total area of wall signs is not to exceed one (1) square foot per lineal foot of a

building facade facing a right-of way.

3. Height Restrictions: Ground signs are not to exceed a height of six (6) feet.
4. Setbacks: All ground signs must be at least ten (10) feet from interior side or rear lot lines and completely outside the public right-of-way.

(b) C-2 Central Business District. Also see Subsection 10 for general design requirements.

1. Permitted Signs

- a. Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
- b. Special signs authorized by the Zoning Administrator.
- c. Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall be limited to an area not exceeding six (6) square feet. Such sign shall not be closer to the ground than three (3) feet and shall not extend higher than six (6) feet. Such signs or symbols shall be appropriate to the type of institution being advertised and shall be in keeping with the mores of the community. Such signs will not be required to meet the requirements of subsection (17)(b)1.f. of this section.
- d. Area restrictions of fifty (50) square feet per side for each ground sign, canopy sign, projecting sign wall sign & roof signs, for a single business and a combined total of 75 square feet per side when one sign structure supports multiple signs businesses on the same location.
- e. Height Restrictions: Ground signs are not to exceed a height of thirty (30) feet.
- f. Business Identification signs for Permitted Uses. Conditional Uses or for existing non-conforming uses based on the following:
 1. Wall signs and directional signs and one ground sign per street.

2. Swinging signs under fifty (50) square feet.
3. Area restrictions of fifty (50) square feet side for each ground sign, canopy sign, wall sign, & roof sign for a single business and a combined total of seventy five (75) square feet per side when one sign structure supports multiple signs advertising different businesses on the same location.
4. The area of projecting signs may not exceed fifty (50) square feet.
5. Window signs visible from the public right-of-way not exceeding 33% of the gross window area.
6. Height Restrictions: Ground signs are not to exceed a height of thirty (30) feet or the height of the building whichever is less.
7. Setbacks: All ground signs must be at least ten (10) feet from interior side or rear lot lines and completely outside the public right-of-way.

(c) Commercial and Industrial Zoning Districts, C-1 General Business, I-1 General Industry. Also see subsection 10 for general design requirements.

1. Permitted Signs

- a. Signs not requiring a permit used in connection with a permitted use or in connection with an approved conditional use, existing legal non-conforming use or public or utility use in the zoning district.
- b. Special Signs authorized by the Zoning Administrator.
- c. Off-premises directional signs for the purpose of directing patrons or attendants to a church, school or other similar non-profit organization or to historic sites. Such signs shall meet the requirements as set forth in subsection (17)(a)1.c.
- d. Wall, window, marquee, directional, canopy, ground signs, projecting or roof signs, in connection with permitted, conditional or legal non-conforming uses in the Zoning District, subject to the following restrictions and regulations:
 1. One ground or roof sign per frontage road.

2. The area of ground signs or roof signs may not exceed one (1.5) square feet per lineal foot of lot frontage to a maximum of two hundred and fifty (250) square feet.
3. Height restrictions. Ground and projecting signs may not exceed forty (40) feet in height.
4. Spacing. Projecting signs may be spaced no closer than twenty-five (25) feet from the nearest projecting sign.
5. Projecting signs must be a minimum of ten (10) feet from the bottom of the sign to grade and can overhang no more than six (6) feet beyond the front property line & shall not exceed one hundred (100) square feet in area.
6. Off premises signs shall be a minimum of seventy five (75) feet from an occupied residential dwelling when facing said residential dwelling. Off premises signs shall not exceed three hundred (300) square feet in area.
7. Off premises signs may not exceed forty (40) feet in height from grade to the top of sign structure. Minimum distance from grade to the bottom of the sign is eight (8) feet.
8. Off premises signs shall be approved by the Planning Commission.

(d) Shopping Center Signs subject to the following restrictions and regulations:

1. One shopping center identification sign with the height limitation of forty (40) feet is permitted. If shopping center is on a corner, either one corner sign or two signs, one on each street may be permitted. If two signs are installed, they must be placed at least two hundred (200) feet from the lot corner of the intersection.
2. Area restriction for shopping center identification signs are based on one and one half (1.5) square feet of sign area per lineal foot of lot frontage not to exceed two hundred fifty (250) square feet.
3. Ground signs including shopping center identification signs and

directional signs must be set back at least ten (10) feet from the right-of-way line of abutting streets.

4. Tenant wall, window, and marquee signs are permitted. Such signs are limited to six (6) square feet per lineal foot of building frontage, not to exceed three hundred (300) square feet in area.

(e) Off-Premises Signs are permitted subject to the following restrictions and regulations:

1. A maximum of two (2) off-premises signs per property may be permitted provided the signs do not face residences located in a residential zoning district, or are placed outside the minimum building and landscape setback requirements as required in the zoning code for the district in which the sign is located.
2. Off-Premises signs may not exceed three hundred (300) square feet in area per sign, including border and trim, but not including uprights.
3. Off-premises signs may not be spaced closer than three hundred (300) feet apart, facing the same direction; measurements shall be taken along the right-of-way of the abutting roadway.

(f) Planned Unit Development District. Signage in a planned unit development shall be controlled by the provisions in the plan for the business development, as adopted by the City Plan Commission, but shall not exceed the signage restrictions for the surrounding geographical area.

(18) PENALTIES.

(a) Violation or failure to comply with the provisions of this section shall be and hereby is declared to be unlawful.

(b) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this section shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Zoning Administrator. In the event that the owner does not remove said sign or bring said sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll listing of the property on which the non-complying sign is located. Compliance within 30 days shall also require the payment of double the fees required under subsection 6 of this section.

(c) This section shall not preclude the City of Lancaster from maintaining any appropriate action to prevent or remove a violation of this section including issuance of a citation for violation hereof.

16.10 ACCESSORY STRUCTURES. (1) ACCESSORY STRUCTURES REQUIREMENTS.

- (a) Accessory structures are permitted in rear and side yards only.
- (b) Accessory structures shall not exceed 20 feet in building height.
- (c) Accessory structures shall not occupy more than 50% of the side yard or more than 30% of the rear yard.
- (d) Accessory structures shall not be located less than 3 feet from a rear lot line or a side lot line between adjoining lots.
- (e) Accessory structures shall not be located less than 20 feet from a street lot line between a lot and a public right-of-way.
- (f) Accessory structures must be located a minimum of 5 feet from Principle structure.
- (g) Principle structure must be constructed before an accessory structure can be constructed on a lot.
- (h) If garage doors face away from an alley, a garage may be constructed within three (3) feet from an alley lot line and a public right-of-way.
- (i) Accessory structures may not exceed the size of the principal structure.
- (j) Accessory structures must be constructed using the same type of building materials as the principal structure so as to be consistent with the appearance of the principal structure.

16.11 SPECIAL USE RESTRICTIONS. (1) FUEL TANKS AND FUEL DISPENSING EQUIPMENT. Fuel pumps and fuel tanks used for or intended for use as dispensing equipment for motor vehicle fuel are prohibited in the R-1, R-2 and R-3 zoning districts. In other districts any such equipment shall be located according to Sec.8.01 of the Wisconsin Administrative Code.

(2) DISH ANTENNA (SATELLITE DISHES).

- (a) Ground-mounted and building-mounted dish antennas are permitted as accessory uses provided that all applicable requirements of this section are met.
- (b) Dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of non-combustible and corrosive-resistant materials.

(c) Dish antennas shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

(d) Building-mounted dish antennas shall not extend beyond the existing roof perimeter. Building-mounted dish antennas shall not exceed the maximum height regulations of the zoning district in which they are located.

(e) Ground-mounted dish antennas shall meet all setback, height and yard requirements for accessory structures in the district in which they are located and are permitted in the rear yard only in residential districts provided that they shall be no closer than five feet to the principal structure and any rear lot line, nor occupy more than 20 percent of the rear yard area. Ground-mounted dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts provided that they shall be no closer than five feet to the principal structure, shall not occupy more than 50 percent of a side yard nor 75 percent of a rear yard area, and shall be no closer than three feet to any side or rear lot line nor five feet to any alley line.

(f) Not more than one dish antenna shall be permitted on a lot or parcel in a residential zoning district.

(g) The installation of a dish antenna exceeding four (4) feet in height and three (3) feet in diameter shall require a building permit. The property owner shall submit, to the building inspector, plans which indicate the appearance, proposed location and installation method of the dish antenna. Dish antennas shall be located and screened to minimize their visual impact on surrounding properties. If a property owner in a residential zoning district proposes a building-mounted antenna location in which the antenna would be visible from the front lot line, that property owner must demonstrate that reception would not be possible for a less conspicuous location. The property owner in a residential zoning district who proposes a building-mounted antenna must also submit a plan for screening the antenna from surrounding properties whenever such screening can be accomplished in a manner that is appropriate to the architecture of the building. The building inspector shall refer to the Plan Commission any plans which do not clearly meet the requirements of this section.

(h) All dish antennas, and the construction and installation thereof, shall conform to applicable city building code regulations and requirements. Prior to the issuance of a building permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by the

registered professional engineer, which certifies that, the proposed dish antenna installation is structurally sound.

(i) Any earth station dish antenna existing on the date for adoption of this chapter, which does not conform to these regulations, shall be brought into conformance within one year of the date of adoption of this section.

16.12 MODIFICATIONS. (1) HEIGHT. The district height limitations set forth in this chapter may be exceeded, but such modifications shall be in accordance with the following:

(a) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed in height their distance from the nearest lot line and shall not exceed a 50 foot maximum height.

(b) Special structures which are essential to permitted uses in commercial and industrial districts including but not limited to mechanical penthouses on commercial or industrial buildings, storage tanks, grain elevators, communications receiving equipment, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, electrical, and smoke stacks up to 50 feet in height are exempt from the height limitations of this section.

(c) Essential services, utilities, water towers, electric power and communications transmission lines are exempt from the height limitations of this section.

(d) Communication structures, such as radio and television transmission and relay towers and aerials shall not exceed in height 3 times their distance from the nearest lot line. Upon request, the Plan Commission may allow the height to be less than three times the distance from the nearest lot line if it deems a lesser requirement is safe and reasonable given the surrounding area. Under no circumstances, however, may the requirement be reduced to less than 1.5 times the distance from the nearest lot line.

(e) Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

(f) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 50 feet, provided all required yards are not less than one foot for each foot of building height. District setback minimums shall apply in all cases.

(2) YARDS. The yard requirements stipulated elsewhere in this section may be modified as follows:

(a) Uncovered stairs, landings and fire escapes may project into any yard, not to exceed 6 feet of projection and not closer than 5 feet to any lot line.

(b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed 2 feet.

(c) Residential fences are permitted adjacent to property lines in residential districts, but shall not in any case exceed a height of 6 feet 6 inches and shall not exceed a height of 4 feet 6 inches in the street yard and shall not be closer than 2 feet to any public right-of-way.

(d) Security fences are permitted adjacent to property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing. No barb wire fences allowed in R-1, R-2, R-3 districts unless property borders RA district.

(e) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this section.

(f) Landscaping and vegetation are exempt from the yard requirements of this section except for special conditions as established within the Industrial Park.

(g) Uncovered decks, porches, or like structures, may not project more than 10' into required street or rear yards nor be closer than 15' from street right-of-way or rear lot line.

(3) **AVERAGE STREET YARDS.** The required street yard may be decreased in any residential or business district to the average of the existing street yards of abutting structures on each side, but in no case less than 15 feet in any residential district.

(4) **PARKING STALL REQUIREMENT FOR RESIDENTIAL CONVERSIONS.** The parking stall requirements for conversions of one-family homes existing at the time of adoption of this chapter to two-family or multi-family residences shall be one stall per dwelling unit.

16.13 NONCONFORMING USES, STRUCTURES, AND LOTS. (1) **EXISTING NONCONFORMING USES AND STRUCTURES.** The lawful nonconforming use of a structure, land or water existing at the time of adoption of this ordinance may be continued although the use does not conform with the provisions of this chapter. However:

(a) Additions or alterations to existing nonconforming structures may be permitted only where such additions or alterations do not increase the degree of nonconformity by extending into the substandard yard or setback greater than

the existing structure and otherwise meets all of the requirements of this chapter.

(b) Substitution of one nonconforming use by another nonconforming use of equal or lesser degree of conformity may be permitted by the Board of Appeals in accordance with the provisions of this chapter. When a nonconforming use is damaged by fire, explosion, flood, public enemy or other calamity to the extent of fifty (50%) percent of its current assessed value, it shall not be restored except so as to comply with the provisions of this ordinance.

(2) **ABOLISHMENT OR REPLACEMENT.** If a nonconforming use is discontinued or terminated for a period of 12 consecutive months any future use of the structure, land, or water shall conform to the provisions of this chapter.

(3) **CHANGES AND SUBSTITUTIONS.** Once a nonconforming structure or use has been changed to conform with this chapter, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a new nonconforming use for an existing nonconforming use, the substituted use shall continue to be a nonconforming use subject to the provisions of this section.

(4) **SUBSTANDARD LOTS.** In any residential district a one-family detached dwelling and its accessory structure may be erected on a legal lot or parcel of record in the County Register of Deeds Office before the effective date of adoption or amendment of this ordinance provided such lots and parcels shall comply with all of the district requirements insofar as practical, but such lots and parcels shall not be less than the following:

Minimum Lot Width:	40 feet
Minimum Lot Area:	4,000 square feet
Minimum Yards: Street:	25 feet; the second street yard on corner lots shall be a minimum of 10 feet
Rear:	25 feet
Sides:	25% of the lot width, but not less than 5 feet for each side yard

16.14 CONDITIONAL USES. (1) **CONDITIONAL USE PERMITS.** The Plan Commission, may authorize the Zoning Administrator to issue a zoning permit for uses identified as conditional uses in Section 16.05 of this chapter, provided that such uses are in accordance with the purpose and intent of this ordinance and are found not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

(2) **CONDITIONS FOR PRIVATE WASTEWATER TREATMENT PLANTS.**

(a) The applicant for a private wastewater treatment plant shall comply with the provisions of Section 16.14 in addition to the requirements of this

section.

(b) The applicant shall submit an application including plans and specifications prepared under the direction and control of a Wisconsin Professional Engineer in compliance with the requirements of this chapter and Wis. Admin. Code Ch. NR 108.

(c) The applicant shall either demonstrate that the plans and specifications were approved by the Wisconsin Department of Natural Resources or that such plans and specifications conform to the applicable provisions of the Wisconsin Administrative Code for wastewater treatment and sludge handling or processing facilities.

(d) The applicant shall demonstrate that the private wastewater treatment plant is designed to prevent odors and minimize nuisance conditions to the maximum extent practicable.

(e) The applicant shall submit the following information to the extent not addressed in the plans and specifications.

1. A narrative of the wastewater treatment process and the basic design;
2. A site plan showing the location and size of all treatment systems and distances to nearest structures and community facilities.
3. Elevation views of the facilities representative of the view of the proposed facilities from off-site;
4. An operation and maintenance plan which shall address, at a minimum, staffing and maintenance procedures, the implementation of odor control measures and an emergency operating procedures describing the steps to be taken in response to emergency and upset conditions at the facility;
5. A landscape plan describing reasonable steps to be taken to provide visual screening of the proposed facilities and to mitigate negative visual impact;
6. A sludge management plan describing the means of handling, treating and disposing of sludges generated from the process and including a general description of the lands used for disposal for land disposal systems;
7. A construction site erosion control plan demonstrating a commitment to implement best management practices as appropriate to control soil loss and sedimentation during construction;

8. A schedule of all permits and approvals required to be obtained from governmental units and regulatory agencies, and a description of the status and anticipated timing of such permits and approvals; and,
9. A proposed project implementation plan and schedule showing provision of construction observation by a competent resident inspector, timing of initiation of construction, substantial completion and startup of facilities, and final construction.

(3) APPLICATION FOR CONDITIONAL USES. Application for conditional uses shall be made in writing on a form furnished by the Zoning Administrator.

Payment of such fees as may be set by the City Council shall be made at the time a zoning permit for a conditional use is submitted.

(4) PUBLIC HEARING. Upon receipt of an application for a zoning permit for a conditional use the Zoning Administrator shall schedule a public hearing before the Planning Commission. Such hearing shall be noticed by a Class 1 notification and posting in accordance with the provisions of §985, Stats. In addition, property owners within 200 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings.

(5) REVIEW AND ACTION. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage patterns, sewer and water systems and the proposed operation.

Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational hours, restrictions, increased yards or parking requirements or other requirements may be imposed by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

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

Conditional use permits approved by the Plan Commission shall expire within six (6) months unless substantial work has commenced pursuant to such approval.

(6) RECORDKEEPING. Records of all Plan Commission actions approving conditional uses shall be maintained by the Zoning Administrator and shall be referred to in regard to enforcement.

(7) APPEALS. Appeals from the decisions of the Plan Commission in its conditional use review function may be appealed to the City Council. A two-thirds majority of the City Council shall be required to override a Plan Commission decision.

16.15 REZONING AND TEXT AMENDMENTS. (1) REZONING AND TEXT AMENDMENTS. Whenever public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) INITIATION OF REZONING OR TEXT AMENDMENTS. A change or amendment may be initiated by the Common Council, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be rezoned or affected by the proposed changes.

Petitions by owners or lessees of property for any change to the district or lot boundaries or amendments to the text of this chapter shall be filed with the Zoning Administrator on a form furnished by the Zoning Administrator. The application shall include the following information:

Payment of such fees as may be set by the City Council shall be made at the time such a petition is submitted.

(3) PUBLIC HEARING. The Plan Commission shall hold a public hearing upon each recommendation giving at least ten days prior notice by publication at least two times during the thirty days prior to the hearing, listing the time, place, and the changes or amendments proposed. The Zoning Administrator shall also give at least ten days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within 200 feet of the area proposed to be rezoned at least 10 days prior to the public hearing. The public hearing shall also be noticed by a Class 2 notification in accordance with the provisions of §985, Stats.

(4) REVIEW AND APPROVAL. The Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Common Council.

After careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed change or amendment. Changes to the district boundaries must be shown on the zoning map on the effective date of the change.

(5) PROTEST. In the event of written protest against such district change or text amendment to this chapter, signed 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 extending one hundred feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending one hundred feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full Common Council membership.

(6) REPETITIONING. No petition requesting the same or similar action may be resubmitted by the original petitioner or his agent for the same property before the passage of six months following the preceding Common Council action, and no petition may be resubmitted without a substantial change to the original petition.

16.16 ADMINISTRATIVE APPEALS AND VARIANCES. (1)
ESTABLISHMENT OF BOARD OF APPEALS. There is hereby established a Board of Appeals for the purpose of hearing appeals and applications and granting variances to the provisions of this chapter which are in harmony with its purpose and intent. Such Board of Appeals shall be appointed under the authority and provisions of Wisconsin Statutes 62.23(7)(e).

(2) MEMBERSHIP.

(a) The Board of Appeals shall consist of 5 members appointed by the Mayor, subject to confirmation of the Common Council, for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the Board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Mayor for cause upon written charges and after public hearing. The Board may employ a secretary and other employees. Vacancies shall be filled for unexpired terms of members whose terms become vacant. The Mayor may appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members above provided for. Annually, the Mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(b) The chairman and vice-chairman shall be designated by the Mayor.

(c) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

(3) ORGANIZATION.

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

Meetings shall be held at the call of the Chairman or of two members and shall be open to the public. Minutes of the meeting shall be kept by the City Clerk or Clerk's Designee who shall serve as Secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be filed in the Office of the City Clerk and shall be a public record.

(b) The concurring vote of four members of the board shall be necessary to decide upon any matter upon which it is required to pass under this chapter.

(4) POWERS. The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter or of any ordinance adopted pursuant thereto;

(b) To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.

(c) To authorize the substitution for an existing nonconforming use of another nonconforming use of equal or lesser degree of conformity.

(5) APPEALS OF ADMINISTRATIVE DETERMINATIONS. Appeals from the decision of the Zoning Administrator concerning the enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the city. Such appeals shall be filed with the Secretary within 30 days after the date of the decision of the Zoning Administrator. Such appeals and applications shall be filed on a form provided by the Secretary. Payment of such fees as may be set by ordinance shall be required at the time an appeal of administrative decision application is submitted.

(6) VARIANCES.

(a) Application for a variance from the terms of this chapter shall be filed with the Zoning Administrator on forms furnished by the Zoning Administrator. Payment of such fees as may be set by ordinance shall be required at the time a variance application is submitted.

(b) The Board of Appeals shall grant a variance if it finds that the applicant has established all of the following conditions and that the variance meets the standards set by the Wisconsin Supreme Court and Court of Appeals:

1. That the granting of such variance will not be contrary to the public

interest;

2. That a literal enforcement of the challenged provisions of the ordinance will result in either practical difficulty or unnecessary hardship;
3. That if the variance is granted the spirit of the ordinance will be observed;
4. That if the variance is granted the public safety and welfare will be secured;
5. That if the variance is granted substantial justice will be done.

(c) When deciding whether or not a variance shall be granted, whether in an appeal from a decision of the Zoning Administrator or in a case of a direct application to the Board of Appeals under subsection 6(a) of this section:

1. The burden of proof applied by the Board of Appeals shall be that applied by Wisconsin Circuit Courts in ordinary civil actions.
2. The Board may consider any evidence that the Courts or Legislature have determined is relevant and competent on the issue, including, without limitation because of enumeration:
 - a. Increase in the community's tax base, or property values in the area, which will be generated by the proposed improvement. These factors alone shall not be sufficient to support granting a variance.
 - b. Changes which the proposed improvement will generate in traffic patterns and public safety in the area affected, including reduction of traffic congestion.

(7) PUBLIC HEARING. The Secretary of the Board of Appeals shall fix a reasonable time and place for the hearing on all matters which it must render a decision, give public notice thereof at least ten days prior and shall give due notice to the parties in interest, the Zoning Administrator, and the Plan Commission. At the hearing the appellant or applicant may appear in person or by agent. The Secretary of the Board of Appeals shall also mail a notice of the public hearing to owners of all land within 200 feet of the affected property. The public hearing shall be noticed by a Class 1 notification in accordance with the provisions of §985, Stats.

(8) DECISION.

(a) The Board of Appeals, in making all decisions required of it to be made by this chapter, shall apply the burden of proof applied by Wisconsin Circuit Courts in deciding ordinary civil actions.

(b) The Board of Appeals shall decide all appeals and applications within 30 days of the public hearing and shall file its decision with the City Clerk, who shall forthwith transmit a copy thereof to the appellant or applicant, the Zoning Administrator, the City Plan Commission, and any person or persons who have appeared in opposition of the appeal or application.

(c) The Plan Commission may by either written communication or appearance of a member make a non-binding, advisory recommendation on any matter before the Board of Appeals.

(d) The Board may attach reasonable conditions to any permit it orders issued.

(e) Variances, substitutions, or use permits authorized by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

(9) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the Circuit Court for Grant County a verified petition setting forth that such decision is void, invalid, or illegal and specifying the ground for such contention. Such petitions shall be presented to the court within 30 days after receipt of a copy of the Board's decision by the applicant or appellant.

(10) RE-APPEALS. No appellant may resubmit the same or similar appeal in person or by agent for the same property within 6 months after the decision by the Board.

16.17 FEES. (1) GENERAL. Applicants shall pay all required fees at the time applications are submitted, unless otherwise specified. No application shall be accepted by the Zoning Administrator unless all required fees are paid.

(2) ZONING PERMIT. No fee is required for issuance of a zoning permit unless such an application requires authorization from the Plan Commission as a conditional use, rezoning or text amendment authorized by the City Council or action from the Board of Appeals.

(3) CONDITIONAL USE AUTHORIZATION. The fee for conditional use authorization by the Plan Commission shall be as set forth in the current fee schedule ordinance and is due at the time an application is submitted.

(4) REZONING OR TEXT AMENDMENT. The fee for petitioning a rezoning or text amendment shall be as set forth in the current fee schedule ordinance and is due at the time an application is submitted.

(5) VARIANCE, NONCONFORMING USE SUBSTITUTION OR ADMINISTRATIVE APPEAL. The fee for applying for a variance, nonconforming use

substitution, or administrative appeal to be reviewed by the Board of Appeals shall be as set forth in the current fee schedule ordinance and is due at the time an application is submitted.

16.18 DEFINITIONS.

Accessory Use or Structure - A use or detached structure subordinate to the principal use of a structure, land, or water, located on the same lot or parcel and serving a purpose customarily incidental to the principal use or the principal structure. Accessory uses include, but are not limited to, incidental repairs, storage, parking facilities, pet shelters, gardening, quarters for guests, servants, owners, itinerant agricultural laborers and watchmen which are not for rent, satellite dishes, private swimming pools and private emergency shelters.

Alterations - Any change, addition or modification in construction or type of occupancy or any change in the structural members of a building, such as walls, partitions, columns, beams or girders, the consummated act or which may be referred to herein as "altered" or "reconstructed."

Auto Wrecking - The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment or trailers or the storage, sale or dumping of dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment or trailers or their parts. The dismantling and rebuilding, other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment or trailer, at a time, even though not for profit or a specified use of a parcel of land, shall be considered auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

Basement - A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). That portion of a basement wall above finished grade shall be included in the total height of the building or structure.

Block - A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-ways, parks, or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

Boardinghouse & Rooming House - A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of the family and not open to transient customers. The terms include guest houses and lodging houses, but not hotels.

Building - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, equipment, machinery or materials. Poles used for the support of wires and appurtenant equipment for supplying public utility services and fences and tents shall not be considered as buildings or structures.

Building Area - The total of area taken on a horizontal plane of the main grade level of the principal building or accessory buildings, exclusive of uncovered porches, terraces or steps.

Building Height - The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, or to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

Building Line - A line parallel to a lot line and at a distance from the lot line to comply with the minimum yard and setback requirements.

Certificate of Zoning Compliance (also referred to as zoning permit) - A certificate issued by the Zoning Administrator stating that the use of land or a building is in compliance with all of the provisions of this chapter.

Conditional Use - A use specifically listed under the requirements of each district, which could significantly affect health, safety or general welfare and requires approval of the Planning Commission.

Convenience Store - A retail establishment selling and storing only new merchandise and prepackaged food consisting primarily of daily necessity items. Retail automotive fuel sales may also be included but such business shall not include vehicle sales, service, mechanical and body repair, washing and upholstery.

Corner Lot - A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Day Care Center - A facility licensed by §48.65, Stats., where a person, other than relative or guardian, provides care and supervision for 4 or more children under 7 years of age, for less than 24 hours a day and for compensation. (Wisconsin Administrative Code HSS 55)

Day Care Facilities - A dwelling licensed as a day care center by the Department of Health and Social Services under §48.65, Stats., where care is provided for not more than eight (8) children.

Day Care Nurseries - Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

Development - Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures. Also, the construction of additions or structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations and

the deposition or extraction of materials.

District - A portion of the incorporated area of the City within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

Drive-In - "Drive-In" may be used as a noun or an adjective and shall refer to a business which is designated to serve patrons while they are reposed in vehicles, with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

Dwelling - A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, tents, cabins or mobile homes.

Dwelling - Two Family - A building having accommodations for and occupied exclusively by two families.

Dwelling Group - Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in a planned unit development.

Easement - An acquired or retained privilege or right of use in the land of another.

Emergency Shelter - Public or private shelter enclosures designed to protect people from aerial, radiological, biological, or chemical warfare and fire, flood, windstorm, riots, and invasion.

Essential Services - Services provided by public and private utilities which are necessary for the exercise of the principal use of the service of the principal structure. These services included underground, surface or overhead gas, electrical, stream, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, mains, drains, vaults, culvert, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services are permitted uses in all districts.

Existing Mobile Home Park or Mobile Home Subdivision - A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of this ordinance.

Family - Any number of persons related by blood, adoption, or marriage, and not more than 4 persons not so related living together in one dwelling as a single

housekeeping entity.

Family Day Care Home - A dwelling licensed as a day care center by the Department of Health and Social Services under §48.65, Stats., where care is provided for not more than eight (8) children.

Foster Home - Foster Home means any facility operated by a person required to be licensed by s.48.62 that provides care and maintenance for no more than 4 children unless all children are siblings (Wisconsin Administrative Code HSS 56 and 57).

Frontage - All parts of a lot abutting on a public street.

Garage, Service - Any premises used for the storage or care of motor vehicles or where motor vehicles are equipped for operation, are repaired or kept for renumeration, hire, or sale.

Garage, Parking - A structure or series of structures for the temporary storage or parking of motor vehicles, not primarily commercial vehicles and not for dead storage or vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels, lubricants, air, water and other operating commodities wholly within the buildings to the patrons of the garage only, and not readily visible from, or advertised for sale on, the exterior of the building.

Garage, Private - An accessory building or portion of a main building designed or used solely for the storage of motor vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

Group Home - A household unit of more than two (2) unrelated persons in a single dwelling unit under direct or indirect supervision for the purpose of adapting or acquainting disadvantaged persons with normal social environments. Such households may also be referred to and include half-way houses, interim housing, community based residential facilities (Wisconsin Administrative Code HSS 3) and sheltered care facilities (Wisconsin Administrative Code HSS 59).

Highway or Primary Thoroughfare - An officially designated federal or state highway or other road designated as an interstate, arterial, or collector on the Official Map or Master Plan as adopted and amended from time to time by the Plan Commission and Common Council.

Home Occupations (Permitted) - Any occupation conducted within the principal building or residential occupants which is incidental to the residential use of the premises. Home occupations (Permitted) must meet the following criteria:

- a) Use no more than 25% of the square footage of the principal building.
- b) Require no outside storage of equipment, materials, or vehicles used for commercial purposes.

- c) Employ no persons other than residents of the premises.
- d) Involve no storage or distribution of material or products not manufactured on the premises.

Home Occupations (Conditional) - Any occupation conducted within the principal building or residential occupants which is incidental to the residential use of the premises which exceeds the criteria for a Home Occupation (Permitted) but meets the following criteria:

- a) Uses no more than 25% of the combined square footage of the principal building and accessory buildings.
- b) Requires no outside storage of equipment, materials, or vehicles used for commercial purposes.
- c) Employs no more than one (1) person other than residents of the premises.

Kennel - Any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets. Kennel also means the keeping on or in any lot or building of three or more dogs, cats or other household pets which are over the age of five months.

Loading Area - An off-street space or berth on the same lot as the principal structure or use for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot - For zoning purposes, a parcel of land occupied or intended to be occupied by a principal structure and accessory building or use and being of sufficient size to meet minimum zoning requirements for use coverage and area and to provide such yards and other open spaces as are required. Such lots shall have frontage on an improved public street and may consist of:

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record, of complete lots of record or of portions of lots of record;
- d) A parcel of land described by metes and bounds provided that in no case of division or combination any residual lot or parcel is created which does not meet the requirements of this chapter.

Lot Area - The horizontal area within the lot lines of a lot.

Lot Corner - A lot abutting upon two or more streets at their intersection.

Lot Coverage - The area of the lot covered by principal and accessory buildings and pavement.

Lot Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage - That portion of a lot lying along and abutting a public street.

Lot Interior - A lot other than a corner lot (defined herein as Lot Corner).

Lot Lines - The lines bounding a lot as defined below:

- a) Street Lot Line - in the case of an interior lot, means that line separating such lot from the street. In case of a corner lot or through lots, the street lot line means that line separating such lot from either street.
- b) Rear Lot Line - means that lot line opposite the street lot line along the street on which the property is addressed. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the street lot line along the street on which the property is addressed, not less than ten feet long, lying farthest from the front line, not less than ten feet long, lying farthest from the front line and wholly within the lot.
- c) Side Lot Line - means any lot line other than the street lot or rear lot line separating one lot from another lot.

Lot of Record - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof. Also referred to as a Parcel of Record.

Lot Through - An interior lot having frontage on two parallel, approximately parallel diverging, diverging, or converging streets.

Lot Width - Width of a parcel of land measured at the rear of the specified street yard.

Master Plan - A plan adopted by the City of Lancaster pursuant to Wisconsin Statutes ss.62.23(2) and 62.23(3) setting forth community goals, objectives and policies for growth and development.

Minor Structures - Any small, movable, accessory construction, such as birdhouses, play equipment, arbors and walls and fences under 4 feet high.

Manufactured Home - A structure certified and labeled as a manufactured home under 42 U.S.C. sec. 5401 to 5426, which, when placed on the site:

- (a) Is set on an enclosed foundation in accordance with sec. 70.043(1), Stats., and subchapters III, IV and V of ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Zoning Administrator.
- (b) Is installed in accordance with the manufacturer's instructions.
- (c) Is properly connected to utilities.
- (d) Is at least 24 feet wide by 36 feet long.

Mobile Home – Any vehicle or structure transportable in one or more sections, which is over 400 square feet in size intended for or capable of human dwelling or designed primarily for sleeping purposes with or without a permanent foundation and continuing required utilities which does not meet the definition or standards for manufactured homes.

Mobile Home Park - Any plot or plots of ground upon which 2 or more units occupied for dwelling or sleeping purposes are located, regardless of whether or not a change is made for such accommodations.

Nonconforming Uses or Structures - Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure.

Nursery School - Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

Nursing Home - Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

Official Map - A map adopted by the Common Council pursuant to Wisconsin Statutes s.62.23(6), showing existing and proposed streets, highways, parkways, parks and playgrounds.

Outlot - An outlying parcel of land, other than a lot or block, and so designated on a plat.

Parking Space - A graded and surfaced area not less than 180 square feet in

area, either enclosed or open, for the parking of a motor vehicle and having adequate ingress and egress to a public street or alley.

Parties in Interest - All abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages of a subject property and all persons whose rights or interests might be affected by a decision of a board or commission or by the enforcement of any provisions of this chapter.

Plat - A map of a subdivision as follows:

- a) Preliminary Plat - means a preliminary map prepared and certified by a registered engineer or land surveyor in accordance with the Subdivision Ordinance of the City showing the proposed layout of a subdivision in sufficient detail to allow review by the Plan Commission.
- b) Final Plat - means a map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the Subdivision Ordinance of the City.

Principal Use or Structure - The primary use or structure on a lot which is permitted or conditionally permitted under the provisions of this chapter.

Private Wastewater Treatment Plant - A wastewater treatment plant other than a publicly owned treatment plant.

Professional Home Offices - Residences of professionals including, but not limited to, doctors or medicine, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, attorneys, and teacher, and which are used to conduct their professions where the office does not exceed one-half the area of the residence and where not more than one non-resident is employed.

Professional Office - The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Rear Yard - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

Recycling Operation - An operation that collects and separates cans, bottles, plastic and/or paper from other waste products for further utilization and which is operated within a building.

Row House - One of a group or row of not less than 4 or more than 12 attached, single-family dwellings designed and built as a single structure facing upon a street or place and in which the individual row houses may or may not be owned separately.

Salvage Yard - Any place which is owned, maintained, operated or used for storing, processing, buying or selling junk, including junk yards, automobile grave yards, auto-recycling yards and wrecking yards. Such facilities shall be screened by a solid fence or evergreen planting completely preventing view from any other property or public right-of-way. If evergreen planting or similar device is utilized, an additional fence or similar security device shall be installed to prevent unauthorized entry.

Sanitary Sewage - The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Sanitary Sewerage - A system of sewers designed to direct sanitary sewage to a treatment facility, such as a wastewater treatment plant.

Sewage Disposal Plant - A wastewater treatment plant or a wastewater pretreatment facility.

Side Yard - A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Side Yard, Street - A side yard of a corner lot abutting upon a street or highway right-of-way.

Signs - Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote any individual, firm, association, corporation, profession, business, commodity, product, idea or viewpoint and which is visible from any public street or highway.

Story - That part of a building included between the surface of one floor and the surface of the next floor. If the floor level directly above a basement is more than 6 feet above grade such basement shall be considered a story.

Story - Half - An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street Yard - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line onto which the property shall be addressed and a line parallel thereto through the nearest point of the principal structure.

Structure - Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, raised porches and decks, sheds, garages, and permanent signs. Minor structures and fences are not considered structures for enforcement purposes.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, columns, beams, girders or roofs.

Substantial Improvement - Any structural repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. This term does not, however, include either:

- (a) Existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Temporary Uses - A use specifically permitted by the Planning Commission for a specifically stated period not to exceed twelve (12) months. Temporary uses may include, but are not limited to, construction site offices, tents for fairs, festivals, or other public events, or temporary storage.

Turning Lane - An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Unnecessary Hardship - Any unique and extreme inability to conform to the provisions of this chapter due to special conditions affecting a particular property which were not self-created and which are not solely related to economic gain or loss. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Utilities - Public and private facilities such as water wells, water and sewer mains, pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance - An authorization granted by the Board of Appeals to construct, alter, or use a structure or land in a manner which is inconsistent with the dimensional standards contained in this chapter.

Vision Triangle – The triangular space formed by any two existing or proposed intersection right of way lines and the joining points of such lines located a minimum of 20 feet from their intersections.

Wastewater Pretreatment Facility - Any facility, equipment, process or processes designed to treat wastewater prior to discharge of that wastewater to a publicly owned treatment plant.

Wastewater Treatment Plant - A facility or facilities from which either sanitary or industrial sewage, or a combination thereof, is treated and released under the terms of a Wisconsin Pollution Discharge Elimination System (WPDES) permit.

Yard - An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation and fences in good repair. Driveways, surface parking areas, and non-raised patios and terraces are considered permitted uses in yards.

Zoning Permit (also referred to as a Certificate of Zoning Compliance) - A certificate issued by the Zoning Administrator stating that the use of land or structure, erection of a structure or structural alteration is in full compliance with all of the provisions of this chapter.