

Title 17

Zoning

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Chapter 17.04

GENERAL PROVISIONS

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17.04.010 Title. This ordinance shall be known and may be cited and referred to as the "zoning ordinance of the City of Viroqua, Wisconsin."

17.04.020 Compliance. The use or development of any land, a change or alteration in the use of any land, and the use, change of use, alteration, construction, reconstruction, remodeling or expansion of any structure within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

17.04.030 Conflicting Provisions Repealed. All ordinances or parts or sections of ordinances in conflict herewith are hereby repealed in their entirety.

17.04.040 Purpose and Intent. The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics, comfort, and general welfare of this community. It is the general intent of this ordinance to regulate and restrict the use of all structures and lands; 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, 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's comprehensive plan or plan components.

17.04.050 Authority. These regulations are adopted pursuant to authorization contained in Section 62.23 of the Wisconsin Statutes as amended and said Section of the Wisconsin Statutes is hereby adopted.

17.04.060 Interpretation, Greater Restrictions and Abrogation. Where any other city ordinance is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or private deed restrictions. However, where this ordinance imposes great restriction, the provision of this ordinance shall prevail.

17.04.070 Warning and Disclaimer of Liability. The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes. This ordinance does not imply that compliance will result in freedom from damages nor shall this ordinance create a liability on the part of or a cause of action against the City of Viroqua or any officer or employee for any damage that may result from reliance on this ordinance.

17.04.080 Restrictions and Exceptions Applicable to All Districts. A. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by these regulations, nor shall the density of population be increased in any manner except in conformity with the area regulations established for the district in which a building or premises is located.

No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.

B. Every building erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main building on one lot, except for buildings which are an adjunct or accessory use when the lot is used for eleemosynary purposes, and then upon such conditions as the Council may impose as for other conditional uses. (Ord. 423, 1990).

C. No building shall be erected, converted, enlarged, or structurally altered until served with municipal water and sewer.

D. Nothing contained in this section shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued, and the construction of which has been started within six months from the date of such permit.

E. Structures permitted above height limit. The building height limitations of this ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers, or scenery lofts, tanks, water towers, silos, spires and radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Viroqua, Wisconsin.

2. Public, semi-public or public service building, hospitals, sanitariums or schools, when permitted in a district, may be erected to a height not exceeding sixty feet, and churches and temples, when permitted in a district may be erected to height not exceeding seventy-five feet if the building is set back from each property line at least two feet for each foot of additional building height above the height limit otherwise provided in the district which the building is built.

F. Exceptions to yard and setback requirements.

1. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed thirty-six inches and the usual steps on unenclosed porches not to exceed the ten feet in depth.

2. An accessory building (such as a garage, car port, storage shed, etc.) may be located in a rear or side yard provided it does not occupy more than 30 percent of the area of the required rear yard, is not more than 15 feet high and is at least 4 feet from any lot line (at least 10 feet from any alley if the accessory building has an entrance on the alley); measurement shall be made from the point on the structure closest to the lot line, provided, that for any structure with a roof having not more than a 2 foot overhang, measurement shall be made from the structure's wall nearest the lot line.

3. No structure or object of natural growth shall be maintained or allowed to grow higher than 36 inches above the level of the lowest street, curb, or sidewalk, or land surface if no curb or sidewalk exists, within 20 feet of any corner so as to interfere with traffic visibility.

G. Buildings to have access. Every main building hereafter erected or moved shall be on a lot abutting a public street, provided: that the Council, on favorable recommendation of the Plan Commission, may permit, upon such conditions as the Council may set, a building on a lot not abutting a public street if the owner has secured comparable access, such as by permanent easements which provide public access and extension of applicable utility service. A building shall be so situated on a lot as to provide safety and convenient access for servicing, fire protection and any required off-street parking.

H. Off-street Parking Areas Required.

1. General provisions. In all districts space for parking shall be provided.

2. Development and maintenance of parking lots. Every parcel of land hereafter used as a public or private parking area, shall be developed and maintained in accordance with the following requirements:

a. No vehicle parking shall be allowed within the required front or side yard of any permitted use in any "R" District except in driveways or garages. The Board of Appeals may approve site plans which vary from this concept.

b. Any lighting used to illuminate any off-street parking area including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

c. Any parking lot containing ten or more spaces shall be hard surfaced with bituminous or Portland Cement Concrete and shall be permanently screened with natural plant material, screening fences or walls. Only those side of a parking lot facing upon public streets or adjoining to or upon an "R" District are required to be screened.

d. A parking space shall be nine feet wide and twenty feet long, plus drive and turning space.

I. Signs

All conditions referring to signs in the City of Viroqua will be found in the Viroqua Sign Ordinance.

J. Mobile Homes shall be located in Mobile Home Parks unless approved by the City Council.

17.04.090 Conditional Uses.

A. Intent. It is the intent that some special uses be allowed as permitted uses if they are generally compatible with the land use intent of the district and if such special uses meets or can be adjusted to meet necessary conditions or performance standards which would make such special uses basically compatible with the permitted uses in the district. Conditional Uses may be allowed in any district providing for them with re-zoning land. The intent of Conditional Uses is to allow certain borderline uses in a district subject to performance standards or conditions without which the use would not be permissible within that particular district. The provision is intended to provide flexibility in the ordinance and give the municipality an opportunity to review and regulate specialized or unique uses, and to decide if borderline uses are conducive to being located in a specific proposed location rather than forcing the applicant to re-zone land which would also allow many other permitted uses under the new district if the proposed use is not actually developed. (Ord 449)

B. Definitions.

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

C. Procedure. Only those uses listed as Conditional Uses in the individual districts of Section 17.08 of this ordinance can be considered for being permitted in such district.

1. Application; Conditional Use Fee. Application for a conditional use must be made to the Building Inspector. The necessary information as determined by the Building Inspector shall be furnished by the applicant. The applicant shall pay a fee of \$75.00 at the time the application is submitted to the Building Inspector. (Ord. 525, 2003)

2. Publication and Notice. Notice of the time and date when the Plan Commission and City Council shall consider the application shall be given by publication as a Class II Notice, and by mailing same notice to the owners of property within 100 feet of the parcel for which conditional use is requested. (Ord. 525, 2003)

3. Plan Commission Review. The conditional use application shall be considered by the City Plan Commission, which may make a recommendation to the City Council on same. Conditions can be attached to the recommended approval of a conditional use consistent with the intent of this section. (Ord. 525, 2003)

4. Hearing and Final Determination. The City Council shall make the final determination of a conditional use. The City Council may attach conditions to the issuance of a permit. All conditional use permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such conditional use shall terminate. Conditional use permits shall not be transferable to other uses on the same site nor shall the permit be transferred to a different location from that described on the permit. (Ord. 525, 2003)

D. Standards. In reviewing the application for conditional use, the following standards shall be considered:

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

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

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

4. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood;

5. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

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

7. That the proposed use is not contrary to the objectives of any duly adopted land-use plan for the City of Viroqua, any of its components, and/or environs;

8. That the use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

E. Review and Approval.

1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the Plan Commission and/or City Council, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under Subsection 1 must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in this Chapter and shall require the filing of an application and a hearing as provided above.

F. Termination of Conditional Use Permit. Conditional use status will terminate when the City Council determines any of the following:

1. The permit holder has failed to comply with the conditions of the permit or the conditional use has otherwise not continued in conformity with the conditions of the permit.

2. A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with the surrounding uses.

3. The use or the characteristics of the use have changed without amending the permit and obtaining approval of the City Council as provided in Section 17.04.090 D (3).

4. The conditional use has been discontinued for a period of 12 consecutive or 18 cumulative months in a three year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski areas, quarries, etc.). Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter within 90 days from such determination.

5. Prior to terminating a conditional use permit, the City Council shall hold a public hearing, giving public notice as specified in Section 17.04.090 C (2) of this ordinance. The termination of the conditional use shall not result in any nonconforming rights and the entire use shall be ceased. The property formerly the subject of the conditional use shall thereafter be used only in conformity with the current zoning and other village ordinances and regulations.

6. A Conditional Use Permit may be terminated on request when the applicant or holder of the Conditional Use and the property owner make a request in writing to the Plan Commission that the Conditional Use be terminated and the Plan Commission agrees to terminate said Conditional Use Permit.

G. In the event any use is listed as a conditional use and a permitted use in the same district, the use shall be permitted.

17.04.100 Nonconforming Premises and Uses. The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform with the provisions of the ordinance. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed 50 per cent of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of 12 months, any figure use of the building and premises shall conform to the ordinance.

17.04.110 Temporary Building Permit Moratorium.

A. Preliminary Determination. Whenever the Building Inspector finds that any of the following exist, no building permit may be issued for six months except upon conditions imposed by the City Council after advice from the Plan Commission.

1. The premises abuts a public street that is not opened; or open but not surfaced; or open and surfaced but which is scheduled for repairs or excavation for public utilities;
2. Municipal water is not available to the premises;
3. The premises is serviced by public sewer that is scheduled for replacement or repair.
4. An application to change the zoning of the premises, or adjacent premises, is pending;
5. A nonconforming use exists upon the premises and the permit, if granted, would either extend the nonconforming use or involve structural repairs or alterations exceeding 50% of the assessed value of a nonconforming structure.
6. ON adjacent property, the required yard size does not comply with this ordinance (either because of lawful nonconforming use or variances) and the proposed use of the premises would present obstacles to adequate fire or police protection;
7. Curb, gutter, or sidewalk improvements abutting the premises are scheduled.

B. Final Determination. If the City Council upholds the Building Inspector's preliminary determination on the denial of a Building Permit the City Council can extend the Permit moratorium for a period not to exceed six months from the date of permit application, during which time the City and the applicant shall make arrangements to deal with the problems that would be induced by the proposed use.

17.04.120 Fences. (a) Fences Defined. For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(b) Fences Categorized. Fences shall be categorized into five classifications:

(1) Boundary Fence. A fence placed on or within three feet of the property lines of adjacent properties.

(2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.

(3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or landscape.

(4) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(c) Height of Fences Regulated. (1) Residential fences six feet or less in height are permitted on rear and side lot lines. Residential fences less than or equal to four feet in height are permitted in the street yard setback area but shall not be closer than two feet to any public right-of-way and shall be subject to the requirements of Section 17.04.080 F 3. All fences must be constructed and maintained in a good state of repair and appearance.

(2) No fence shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.

(d) Fences Placement. Fences in or adjacent to a residential property shall have a minimum three feet side and rear yard setback, except as the adjoining property owners may otherwise agree in writing as a part of the application for a permit. Fences shall be constructed alongside lot lines but must be so placed to allow the fence owner to maintain both sides of the fence, on their property. The fence owner shall properly trim weeds and grasses around the fence.

(e) Security Fences. Security fences shall not exceed eight feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) Prohibited Fences. No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight feet above the ground or height and project toward the fenced property and away from any public area.

(g) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five days.

(i) **Nonconforming fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

(j) **Fence Permit.** No person shall erect a fence in the City unless a permit is first obtained by the owner or his agent from the Building Inspector. The applicant shall submit design specifications for approval and pay required permit fees at the time of making application.

(k) **Property Boundary Determinations.** Fences shall be erected on the owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence. The dress side of the fence shall be on the outside. All parts of the fence shall be erected on the owner's property.

(l) **Snow Fences.** Utility snow fences may be used only during the winter months and shall be removed at the end of each winter season.

17.04.130 Swimming Pools. (a) **Definition.** A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Excluded from the definition "swimming pool" is a so-called hot tub or spa which has a cover that prevents unauthorized access.

(b) **Exempt Pool.** A body of water that would otherwise be a "swimming pool" but is intended and used as a decorative pond is exempt from the provisions of this Section. Storable children's swimming or wading pools, with a maximum dimension of fifteen feet and a maximum wall height of fifteen inches and which are so constructed that they may be readily disassembled for storage and reassembled to original integrity are exempt from the provisions of this Section

(c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter,

remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

(d) Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

(1) Approved Materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.

(2) Plumbing. All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

(3) Electrical Installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

(e) Setbacks and Other Requirements. (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) All swimming pools shall be at least ten feet from any lot line or building unless designed and approved as an addition to a building.

(f) Enclosure. (1) Fence: In-ground Pools. All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self enclosing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(2) Above-ground Pools; Pool Wall Barrier. a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more

than three feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six inches high on the top.

(g) Compliance. All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(h) Draining and Approval Thereof. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

(i) Filter Systems Required. All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(j) Dirt Bottoms Prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(k) Maintenance. All private pools shall be maintained in accordance with manufacturer instructions. All pools shall meet water quality standards as may be established for pools by the Wisconsin Department of Health and Social Services and the City Board of Health.

Chapter 17.08ZONING DISTRICTSSections:

- 17.08.010 A-1 Agricultural Transition District
- 17.08.010 C-1 Conservancy District
- 17.08.010 R-1 Single and Two-Family Residence District
- 17.08.010 R-2 Multiple Family Residence District
- 17.08.010 R-3 Mobile Home Park District
- 17.08.020 B-1 Central Business District
- 17.08.020 B-2 Commercial District
- 17.08.020 B-3 Industrial District
- 17.08.020 B-4 Industrial Park District
- 17.08.020 B-5 Gateway Business Park

17.08.010 A-1 Agricultural Transition District

1. Intent: This District is intended to provide for open space particularly in those areas of the City to reduce the need for and cost of public services, or to be applied in those areas of the City where natural environmental conditions present physical development problems. A further purpose is to help preserve the open space and natural scenic and ecological qualities in special areas.

2. Permitted uses:

- a. Any existing agricultural use (including the residence of persons operating the farm on which the residence is located), except swine and fowl farming. (Ord 05OR005)
- b. Public roads and streets.

3. Conditional uses:

- a. Any utility structure substation, transmission line or pipe line.
- b. Private roads and streets.
- c. Any other agricultural uses (except swine and fowl may not be allowed as conditional uses). (Ord 05OR005)
- d. Parks, county fair, playground and athletic fields, open space leisure and recreational activities which do not disrupt natural conditions. (Ord 05OR005)

4. Minimum Standard for Agricultural Transition District.

Use	Dwellings	All other Permitted Uses	Conditional Uses
Lot area and Density		5 acres	As set by the Plan Commission and City Council
Lot Width		200 feet	
Height of Structure		50 feet	
Side Yard		10 feet	
Street Setback		25 feet	
Rear Yard		25 feet	
Parking		Per 17.04.080 H	
Area of Structure		0	

17.08.010 C-1 Conservancy District.

1. Intent. This district is intended to include areas for which the use is outdoor recreation or other public uses; to include lands which are limited for development because of soil, slope, water table or other condition; and for the preservation of scenic, historic or scientific areas.

2. Permitted Uses.
 - a. Outdoor play fields and playgrounds.
 - b. Swimming Pools.
 - c. Hiking Trails.
 - d. Picnic areas.
 - e. Open areas.
 - f. Public toilets.
 - g. Tree plantations.
 - h. Public exposition and recreation buildings.
 - i. Parks.
 - j. Fair grounds.
 - k. School grounds and accessory uses.
3. Conditional uses.
 - a. Cemeteries.
 - b. Armories.

17.08.010 R-1 Single and Two-Family Residence District

1. Intent: This district is intended to maintain areas characterized by single and two-family residences.

2. Permitted uses.

- a. Single and two-family residences.
- b. Flower and vegetable gardens not for commercial use.
- c. Churches, convents, chapels, temples, synagogues, parish or rectory houses.
- d. Fire and police stations, libraries, government administration facilities.
- e. Home occupation / professional home office.

f. A building on the lot line when constructed with a wall in common with a building upon the adjacent lot, on condition that all other requirements of the zoning code and the Viroqua Municipal Code shall be adhered to. (Ord. 409, 1989)

3. Conditional uses.

a. Conditional uses in the A-1 District: (1) any utility structure substation, transmission line or pipe line; (2) Private roads and streets; (3) agricultural uses not otherwise permitted (except swine and fowl may not be allowed as conditional uses) (Ord 05OR005); and (4) Parks, county fair, playground and athletic fields, open space leisure and recreational activities which do not disrupt natural conditions. (Ord 05OR005)

- b. Multiple family residence not exceeding 4 units per dwelling.
- c. Center, museum, and clubs or associations not open to the public.
- d. Junior and Senior High Schools.
- e. Public and parochial elementary schools and day care and nursery schools;

f. Golf courses and the following accessory uses: clubhouses, pro shop, restaurant and bar, swimming pool and tennis courts.

- g. Boarding houses and lodging houses.
- h. Parking lots for motor vehicles. (Ord 477, 1997)
- i. Parks, county fair, playground and athletic fields, open space leisure and recreational activities which do not disrupt natural conditions. (Ord 05OR005)
- j. Private non-commercial recreational areas and facilities. (Ord 05OR005)

4. Minimum Standards for Single and Two Family District.

In determining the set back requirements, measurement shall be made from the point on the structure closest to the lot line, provided, that for any structure with a roof having not more than a 2 foot overhang, measurement shall be made from the structure's wall nearest the lot line.

Use	Dwellings	All other Permitted Uses	Conditional Uses
Lot Area	One family per unit. One unit or or two attached units per lot, provided lot is 6,000 square ft.	6000 square feet lot area	As set by the Plan Commission and City Council.
Lot Width	50 feet	60 feet for corner lots	
Height of Structure	35 feet		
Side Yard	10 feet		
Street Setback	25 feet		
Rear Yard	Not less than 15 feet		
Parking	Per 17.04.080 H		
Area of Structure	600 square feet per dwelling unit.		

17.08.010 R-2 Multiple Family Residence District

1. Intent: This district is intended to provide a medium density, mixed residential district intended to provide a transition between detached housing and more intense non-residential areas.

2. Permitted uses.

a. Permitted uses in the R-1 district: (1) Single and two-family residences; (2) Flower and vegetable gardens not for commercial use; (3) Churches, convents, chapels, temples, synagogues, parish or rectory houses; (4) Fire and police stations, libraries, government administration facilities; (5) Home occupation / professional home office; (6) A building on the lot line when constructed with a wall in common with a building upon the adjacent lot, on condition that all other requirements of the zoning code and the Viroqua Municipal Code shall be adhered to. (Ord. 409, 1989).

b. Multiple family dwellings not exceeding 4 units. (Ord 05OR005)

c. Private clubs, lodges, fraternities, sororities, except those the principal use of which is a service customarily carried on as a business.

d. Funeral Homes.

3. Conditional uses.

a. Conditional uses in the R-1 district: (1) Multiple family residence not exceeding 4 units per dwelling; (2) Center, museum, and clubs or associations not open to the public; (3) Junior and Senior High Schools; (4) Public and parochial elementary schools and day care and nursery schools; (5) Golf courses and the following accessory uses: clubhouses, pro shop, restaurant and bar, swimming pool and tennis courts; (6) Boarding houses and lodging houses; (7) Parking lots for motor vehicles. (Ord 477, 1997); (8) Parks, county fair, playground and athletic fields, open space leisure and recreational activities which do not disrupt natural conditions. (Ord 05OR005); (9) Private non-commercial recreational areas and facilities. (Ord 05OR005).

b. Hospitals.

c. Rest homes, nursing homes and homes for the aged.

d. Greenhouses.

e. Professional offices that do not conduct any retail or wholesale operations from the premises except for any incidental sales not significant in the operation of the business, such as: accountants, architects and engineers, art and music and dance studios and shops, artist and photographers studios, barber and beauty shops, medical and dental offices, insurance offices, business and tax consultants, sales person's office, law office, real estate office, union office.

f. Parking lots serving any commercial use and not exceeding 20 spaces.

g. The following uses, separately or together, when they constitute part of a common purpose of assisting individuals in becoming self-sufficient: clinic, health spa, restaurant, retail store, production center, mail order catalog shipping, day care center, seminar and fundraising centers. (Ord. 456, 1995)

h. Multiple family dwellings exceeding 4 units. (Ord 05OR005)

i. Pet grooming. (Ord 05OR008)

j. Restaurant or café on non-residential property run by a 501(c)(3) charitable organization in support of its charitable purpose. Operation of restaurant or café under this section is limited to Monday through Friday between the hours of 11:00 a.m. and 2:00 p.m. (Ord 17OR003)

4. Minimum Standard for Multiple Family District

Use	Dwellings	All other Permitted Uses	Conditional Uses
Lot Area and Density	2000 square feet of lot area per unit. In no case shall a dwelling with one or two units have less lot area than 6,000 square feet.	6000 square feet lot area.	As set by the Plan Commission and City Council.
Lot Width	50 feet – 60 feet for corner lots.		
Height of Structure	45 feet		
Side yard	10 feet		
Street setback	25 feet		
Rear Yard	Not less than 15 feet		
Parking	Per 17.04,080 H		
Area of Structure	600 square feet per unit		

17.08.010 R-3 Mobile Home Park District.

- 1. Intent. This district is intended to provide for mobile home parks.
- 2. Permitted uses.
 - a. New Mobile Home Parks.
 - b. Existing Mobile Home Parks.
- 3. Minimum Standard for Mobile Home Park District.

USE	ALL USES
Site Area and Density	3000 square feet for each mobile home space.
Lot Width	40 feet width for each mobile home space. Side yard for basic unit shall be no closer than 10 feet to side site line.
Height of Structure.	35 feet
Yards	No mobile home shall be closer than 25 feet from any property line bordering the park.
Street setback	All mobile home spaces shall abut upon a public street. Mobile homes shall be setback 15 feet from street.
Rear Yard	15 feet from rear site line.
Parking	Per 17.04.080 H
Area of Structure	600 square feet per unit.

17.08.020 B-1 Central Business District.

1. Intent. This district is intended to maintain areas characterized by business uses in the center of the City, with heavy pedestrian traffic.

2. Permitted Uses. The retail sale or service of any of the following businesses:

- a. Plumbing, heating, electrical, lighting, and paint sales and service.
- b. Household equipment sales and service, hardware, lawn and garden supplies, building supplies, except lumberyards.
- c. Post Office.
- d. Department stores and discount variety stores and retail stores.
- e. Travel bureaus.
- f. Cleaning and pressing establishments making exclusive use of a dry-cleaning process recognized by the State as not emitting offensive odors and having a flash point sufficiently high that no undue hazard is created by its use on the premises.
- g. Dress shop, clothing store, notion shop, dry goods store, tailor shop.
- h. Drug store, pharmacy.
- i. Florist shop.
- j. Food products (retail, restaurants).
- k. Gift shop, coin shop, book store, arts and crafts.
- l. Financial, business, professional and medical institutions.
- m. Jewelry store.
- n. Music, TV and radio store.
- o. Commercial and public parking lots and ramps.
- p. Photographer and photographer's supplies.
- q. Printing and publishing.
- r. Farmer's market, bazaars, open spaces markets in areas designated.
- s. Theaters, except drive-in theaters. (Ord 05OR005)
- t. Any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- u. Hotels and motels.
- v. Veterans Memorials. (Ord. 542, 2003)
- w. Library (Ord. 550, 2003)

3. Conditional uses.

a. Permitted uses in Multiple Family district except single family dwelling: (1) two-family residences; (2) Flower and vegetable gardens not for commercial use; (3) Churches, convents, chapels, temples, synagogues, parish or rectory houses; (4) Fire and police stations, libraries, government administration facilities; (5) Home occupation / professional home office; (6) A building on the lot line when constructed with a wall in common with a building upon the adjacent lot, on condition that all other requirements of the zoning code and the Viroqua Municipal Code shall be adhered to. (Ord. 409, 1989)

b. The “wholesale” aspect of any of the foregoing businesses.

c. Gas and service stations and repair shops.

d. Taverns, night clubs, beer and liquor stores.

e. Bowling alleys, roller skating rink.

f. Farm implement and trailer sales and repair.

g. Microwave relay towers.

h. Lumber yards.

i. Animal hospitals and veterinary clinics.

j. Automobile sales establishments, garages and parking lots, but not salvage, wrecking, rebuilding, storage or parking operations. (Ord 05OR005)

4. Minimum Standard for Central Business District.

Use	Dwellings	All other Permitted Uses	Conditional Uses
Lot Area and Density		0	
Lot Width		20 feet	
Height of Structure		35 feet – 85 feet if fire prevention system approved by Fire Department	
Side Yard		0 – 5 feet if any side yard is provided and 5 feet if it abuts residence district	
Street Setback		0	

17.08.020
B-1 Central Business District

Rear Yard	5 feet
Parking	Per 17.04.080 H
Area of Structure	0

17.08.020 B-2 Commercial District

1. Intent. This district is intended to maintain areas characterized by a mixture of residential and commercial uses, with light pedestrian traffic and heavy automotive traffic requirements and parking requirements.

2. Permitted Uses.

- a. Permitted uses in B-1 District:
- Plumbing, heating, electrical, lighting, and paint sales and service.
 - Household equipment sales and service, hardware, lawn and garden supplies, building supplies, except lumberyards.
 - Post Office.
 - Department stores and discount variety stores and retail stores.
 - Travel bureaus.
 - Cleaning and pressing establishments making exclusive use of a dry-cleaning process recognized by the State as not emitting offensive odors and having a flash point sufficiently high that no undue hazard is created by its use on the premises.
 - Dress shop, clothing store, notion shop, dry goods store, tailor shop.
 - Drug store, pharmacy.
 - Florist shop.
 - Food products (retail, restaurants).
 - Gift shop, coin shop, book store, arts and crafts.
 - Financial, business, professional and medical institutions.
 - Jewelry store.
 - Music, TV and radio store.
 - Commercial and public parking lots and ramps.
 - Photographer and photographer's supplies.
 - Printing and publishing.
 - Farmer's market, bazaars, open spaces markets in areas designated.
 - Theaters, except drive-in theaters. (Ord 05OR005)
 - Any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
 - Hotels and motels.
 - Veterans Memorials. (Ord. 542, 2003)
 - Library (Ord. 550, 2003)

- b. Bowling alley, roller skating rink.
- c. Mobile Home Sales.
- d. Farm implement and trailer sales and repair.
- e. Wholesale and distributing establishments.
- f. Commercial or institutional recreational game fields, swimming pools, skating, golf, driving ranges, miniature golf, or similar open air recreational uses and facilities. (Ord 05OR005)
- g. Bottling and distributing plants.
- h. Gasoline service stations.
- i. Lumber yards.
- j. Dry cleaning, and laundry cleaning establishments.
- k. Self-service storage.
- l. Library (Ord. 550, 2003)
- m. Automobile sales establishments, garages and parking lots (Ord 05OR005)

3. Conditional Uses.

- a. Conditional Uses in B-1 District:
 - Gas and service stations and repair shops;
 - Taverns, night clubs, beer and liquor stores.
 - Bowling alleys, roller skating rink.
 - Farm implement and trailer sales and repair.
 - Microwave relay towers.
 - Lumber yards.
 - Animal hospitals and veterinary clinics.
 - Automobile sales establishments, garages and parking lots, but not salvage, wrecking, rebuilding, storage or parking operations. (Ord 05OR005)
- b. Taverns, night clubs, beer and liquor stores.
- c. Transfer, storage, moving, freight and parcel delivery operations.
- d. Wholesale trade not involving air, water or soil pollution or noise, residential uses.
- e. Dwellings.
- f. Animal hospital and veterinary clinics.
- g. Manufacturing or assembling operations, which do not involve excessive noise, and which do not result in any air or water pollution, when the manufactured or assembled products are offered for sale at retail on the site. (Ord. 532, 2003)
- h. Go-cart tracks (Ord 05OR005)
- i. Day care and nursery school (Ord 12OR003)

4. Minimum Standard for Commercial District

Use	All other Permitted Uses	Conditional Uses
Lot Area and Density	6000 square feet lot area	As set by the Plan Commission and City Council
Lot Width	50 feet	
Height of Structure	35 feet – 85 feet if fire prevention system approved by Fire Department	
Side Yard	0 5 feet if any side yard is provided and 5 feet if abuts residence district	
Street Setback	25 feet	
Rear Yard	Not less than 15 feet	
Parking	Per 17.04.080 H	
Area of Structure	0	

17.08.020 B-3 Industrial District

1. Intent. This district is intended to provide for areas having moderate to intense processing, employment, traffic and other related activities. It is intended that this district generally be located distant from residential uses and that it be buffered by commercial districts, major roads, or open space.

2. Permitted uses.

Industrial and commercial businesses except: animal rendering and businesses involving air, water, or soil pollution or disturbance.

3. Conditional uses.

a. Residential, when incidental to a permitted business requiring the presence of a caretaker.

b. Slaughter house, stock yards or meat packing or processing plants.

c. Race tracks for stock cars, snowmobiles, mini bikes, and other motorized vehicles for demonstration and exhibitions.

d. Boarding kennels.

e. Petroleum products manufacturing, refining and storage.

f. Chemical manufacturing.

g. Wholesale gasoline, sales or storage.

h. Landfills.

i. General Aviation Airports (Ord 05OR005)

17.08.020 . B-4 Industrial Park District

1. General Purposes. Property in the Viroqua Industrial Park is subject to the conditions, restrictions, and protections hereby declared to insure proper use and appropriate development and improvement of each building site therein, to protect the environment in the industrial park; to guard against the erection thereon of structures of unsuitable materials; to require conformance to applicable ordinances and building code; to insure reasonable development of said property and locations thereon of buildings; to control the development of said property as an industrial park including, but not limited to, proper setbacks from the street, adequate free space between structures, adequate parking, and in general to provide for a high quality of improvement of said property; to insure that each building site shall not adversely affect the general plan of physical development of the industrial park nor adversely affect the health or safety of residents or workers in the area nor be detrimental to the use or development of other properties in the Viroqua Industrial Park.

2. Permitted Uses. In the Industrial Park District, unless otherwise provided in this Title, land or buildings may be used for any purpose except the following uses (Ord 10OR003):

- a. Residential
- b. Commercial
- c. Abattoirs (slaughter house)
- d. Acid manufacture
- e. Asphalt manufacture
- f. Cement, lime, gypsum or plaster of paris manufacture
- g. Explosive manufacture or storage
- h. Fertilizer manufacture
- i. Garbage, rubbish, offal or dead animal reduction
- j. Glue manufacture
- k. Junk yards
- l. Petroleum refining
- m. Smelting of ferrous and non-ferrous metals
- n. Stockyards
- o. Tannery

3. Conditional Uses:

a. Commercial, defined as buying, selling, or transporting of commodities. (Ord 10OR003).

b. Fitness and wellness centers. (Ord. 17OR006).

c. Solid waste transfer stations. (Ord. 17OR009).

4. Conformance to Codes: Permitted and Conditional uses shall be conducted within acceptable standards in local, state and national codes pertaining to noise, vibrations, smoke, toxic or noxious matter, odorous matter, fire and explosive hazards, glare or heat, air pollution, water pollution and maintenance of property. (Ord 10OR003).

5. Minimum Lot Sizes. Lots may be of any size.

6. Setbacks. No building shall be constructed on the site nearer than 25 feet of the right-of-way of any county, state or federal highway.

7. Side Yard. Minimum side yards shall be 15 feet. In the event that two adjoining sites shall be owned by the Grantee and in the improvement of such sites a building shall be erected on these combined sites, then the side yard requirements on the interior lines are waived.

8. Rear yard. Rear yards shall be a minimum of 15 feet. In the event that two adjoining sites shall be owned by the Grantee and in the improvement of such sites, a building shall be erected on these combined sites, then the rear yard requirements are waived.

9. Vehicle parking and loading docks. Sufficient off-street parking shall be provided for employees, customers, and visitors as follows:

a. Parking is prohibited within 25 feet of any county, state or federal highway;

b. Employee, customer or visitor parking will not be permitted on public streets in the Viroqua Industrial Park;

c. Total parking space shall be a minimum of 180 square feet per parking stall, excluding drives and approaches;

d. A minimum parking ratio of one space for each two employees shall be provided;

e. No loading or unloading shall be permitted on, or which results in obstruction of public streets; loading docks shall not be located on the sides of any building facing any county, state or federal highway.

10. Landscaping and Maintenance. The entire setback area shall be graded and sodded or seeded between the lot lines and from the street shoulder to the building face. All landscaping, planting, etc. shall be done in suitable manner so that it will produce an acceptable appearance, excepting only those areas as may be required for driveways, visitor parking or walks. All driveways, walks and permanent parking areas shall be surfaced with hot-mix asphalt concrete, or cement concrete. Paved areas and landscaping shall be completed within one year after occupancy of building. The owner of any tract in this Park must at all times keep the premises, buildings, improvements and appearance in a safe, neat and clean condition and comply in all respects with all government, health and local policy requirements. The owner will remove at his or her own expense any rubbish of any character whatsoever which may accumulate on said property with the exception of ordinary city garbage collection.

11. Outdoor Storage. No outside storage of any kind shall be permitted unless such stored material is visually screened from all streets with a suitable fence at least six feet in height. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to the rear two-thirds of the property, and within building setback lines. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings. Storage of fuel oil or other bulk fluids must be underground. Fences, walls or hedges may not extend forward of building setback lines.

17.08.020 B-5 Gateway Business Park

1. **Intent.** Property in the "Gateway Business Park" is subject to the conditions, restrictions, and protections hereby declared to insure proper use and appropriate development and improvement of each building site therein. The City of Viroqua recognizes the importance of quality design in preserving the community's distinctive natural setting and high quality of life; in promoting sustainable design practices; and in maintaining competitiveness within area real estate markets. The purpose of the following zone standards is to ensure quality site planning and building design that:

- a. create high quality site improvements that meet applicable ordinances and building code;
- b. create reasonable development of property and locations thereon of buildings and parking lots;
- c. unify the natural and built features of the community specifically with regard to natural features;
- d. minimize environmental impacts including stormwater runoff, light spill, and air/waste discharge;
- e. prevent development that would adversely affect residents, workers and or the development of other properties in the Gateway Business Park;
- f. are compatible with and promote agribusiness and tourism as key industries within Vernon County;
- g. are compatible with and promote downtown Main Street as an essential component of a vibrant and robust community;
- h. establish benchmarks for future design; and
- i. encourage sustainability, conservation and energy efficiency.

2. **Permitted Uses.** In the Gateway Business Park District land or buildings may be used for the following purposes:

a. Commercial Retail. The following uses are only allowed within .25 miles of State Highway 14/61:

- (i). Auto dealerships, service and repair.
- (ii). Clothing stores.
- (iii). Convenience shopping.
- (iv). Department stores or shopping centers.
- (v). Discount retail stores.
- (vi). Drug stores and print shops.
- (vii). Event spaces.
- (viii). Food stores.
- (ix). Furnitures stores.
- (x). Gym, fitness or sports centers.
- (xi). Lodging facilities and tourist accommodations.
- (xii). Bars and restaurants.
- (xiii). Salons and spas.
- (xiv). Specialty retail stores and gift shops.
- (xv). Sporting goods stores.
- (xvi). Theaters.

b. Light Industrial. Retail uses are not permitted except as supporting principal use - limited to fifteen percent (15%) of the square footage of the development. Storage and wholesale to retailers from the premises of finished goods and food products is also allowed. The following uses are permitted but are not allowed directly adjacent to State Highway 14/61:

- (i). Breweries.
- (ii). Commercial screen printing (not including print shops).
- (iii). Custom-made product manufacturing, processing, assembling, packaging and fabrication of goods.
- (iv). Food production.
- (v). Freight handling and shipping.
- (vi). Labor intensive manufacturing, assembly and repair processes.
- (vii). Manufacturing, compounding of materials, processing, assembling, packaging, treatment or fabrication of materials.
- (viii). Storage and wholesaling of unrefined raw or semi-refined products requiring further processing or manufacturing.
- (ix). Truck services and terminals.

- (x). Warehousing within enclosed building.
- (xi). Wine and liquor wholesalers.

c. Commercial Non-Retail. The following uses are permitted throughout the B-5 Gateway Business Park.

- (i). Agricultural innovation and educational centers.
- (ii). Biotechnology, software, hardware development and electronics.
- (iii). Brewpubs and distilleries.
- (iv). Business support services.
- (v). Childcare facilities.
- (vi). Corporate/administrative offices.
- (vii). Governmental offices and community facilities.
- (viii). Greenhouses.
- (ix.) Single tenant or multi-tenant professional offices that do not conduct any retail or wholesale operations from the premises except for any incidental sales not significant in the operation of the business, such as: accountants, architects and engineers, art and music and dance studios, photography studios, medical and dental offices, insurance offices, business and tax consultants, law offices and real estate offices.
- (x). Research and development laboratories (no hazardous materials).

3. **Prohibited Uses.** Unless otherwise provided in this Title, land or buildings may not be used for the following uses:

- a. Abattoirs (slaughterhouses).
- b. Acid manufacture.
- c. Asphalt manufacture.
- d. Cement, lime, gypsum or plaster of paris manufacture.
- e. Explosive manufacture or storage.
- f. Fertilizer manufacture.
- g. Foundry.
- h. Garbage, rubbish, offal or dead animal reduction.
- i. Glue manufacture.
- j. Junk yards.
- k. LP Distributor.
- l. Mini-storage type Units.
- m. Paper mill.
- n. Petroleum refining.
- o. Residential.
- p. Sawmills.
- q. Sexually-oriented adult businesses.

- r. Smelting of ferrous and non-ferrous metal.
- s. Solid waste transfer stations.
- t. Stockyards.
- u. Tannery.
- v. Whey processing.

4. **Conformance to Codes.** Permitted uses shall be conducted within acceptable standards in local, state and national codes pertaining to noise, vibrations, smoke, toxic or noxious matter, odorous matter, fire and explosive hazards, glare or heat, air pollution, water pollution and maintenance of property.

5. **Land/Building Ratio.** No more than sixty percent (60%) of any site shall be covered surface pavement or other covering materials which are impervious to surface water absorption unless sufficient stormwater management practices are implemented to offset the impact of development beyond the standard. Prior to the issuance of a building permit, the Public Works Director will determine whether the stormwater management practices undertaken are deemed sufficient.

6. **Minimum Lot Sizes.** No platted parcel shall be further divided into parcels smaller than one (1) acre. In no instance shall such division create a parcel which is not developable in compliance with this ordinance or which would violate any applicable state or local laws, ordinances or regulations regulating the subdivision of lands.

7. **Setbacks.** The following yard or building setback requirements shall apply to all parcels that are located in the Gateway Business Park:

a. Commercial Setback. All commercial buildings, as defined above, shall have a setback minimum of twenty-five (25) feet from parcel lines abutting any public street.

b. Industrial Setback. All industrial buildings, as determined by the Wisconsin Department of Revenue taxation classification, shall have a setback minimum of twenty-five (25) feet from parcel lines abutting any public street.

c. Side Yard Setback. All buildings shall have a setback minimum of twenty (20) feet from any parcel line shared in common with another parcel owner within the Property and which joins a parcel line abutting a public street ("Side Yard Line"). Corner Lots shall be deemed to have two side lot lines. In the event that two adjoining sites shall be owned by the Grantee and in the improvement of such sites a building shall be erected on these combined sites, then the side yard requirements on the interior lines are waived.

d. Rear Yard Setback. All buildings shall have a setback minimum of twenty (20) feet from the rear lot line. In the event that two adjoining sites shall be owned by the same Landowner and in the improvement of such sites a building shall be erected on these combined sites, the rear yard requirements are waived.

e. Residential Buffer Zone Setback. All buildings that are located on parcels that abut a residential district shall have a forty (40) foot "buffer zone" setback minimum from any parcel line abutting the residential district.

8. Secondary Structures.

a. Accessory Structures. Accessory structures are permitted. Such structures shall be setback from front building line and otherwise meet the same setback requirements as the primary structure. Building materials, colors and roof lines shall be consistent with primary building.

b. Temporary Structures. No building or structure of temporary character shall be used on any lot at any time except for construction trailers during the period of construction. The use of cargo containers as a temporary storage facility is prohibited.

9. **Utility Control**. All utilities, including all electric power, telephone, gas, water, storm and sanitary sewers shall be located underground unless such location would prevent or detract from the utilization of renewable energy sources.

10. Building Design.

a. Landowners shall ensure that the scale and design of new buildings are compatible with adjacent buildings.

b. At pedestrian areas, the scale of the building should be lowered. Strategies include, but are not limited to, the use of awnings, landscaping, windows and doors.

c. Landowners shall locate utility meters and exhaust vents on the side or rear of building.

11. **Building Materials**. The following requirements shall apply to all parcels:

a. Exterior Walls. The exterior walls of each building shall be constructed of durable, permanent architectural materials.

b. Front Façade. At least thirty-three percent (33%) of the front facade and street side(s) facades shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood and/or glass into their design. Front facade materials shall be continued for not less than twenty (20) feet on each side from the front surface.

c. Pole Buildings. Pole buildings are permitted but must include sufficient architectural elements as described above in addition to roof overhangs, porches, windows that would enhance the overall attractiveness of the building. It is encouraged that pole buildings not exceed eighty (80) feet in width.

12. **Building Exteriors and Lighting.**

a. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for commercial and industrial buildings.

b. Breaking up large building sections with such elements as awnings, variable planes, projections, setbacks or changes in the roof line is encouraged.

c. All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing and overall design concept of the building.

d. HVAC and Miscellaneous Building Systems. Cooling towers, rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from view from the primary public street unless doing so would prevent or detract from the utilization of renewable energy sources.

e. Building Lighting. Except for lighting near building access points and prominent architectural features, buildings should be darkened in the evenings to avoid 'glowing'. The size, scale and location of light and luminate should match site and building scale, color and theme.

f. Driveway, Sidewalk, and Parking Lot Lighting. Lighting shall be full cutoff luminaries which keep off-site overspill and night sky lighting to a minimum. Location of the fixtures shall emphasize intersections and pedestrian access routes yet provide a uniform level of illumination. Scale of fixtures shall be lowered in pedestrian areas to emphasize walking surfaces.

g. All outdoor lighting or nonresidential uses shall be designed, located and mounted so that the maximum illumination, as measured horizontally at the lot line, does not exceed 9.6 foot candles.

13. Parking, Driveways and Sidewalks.

- a. Parking Setbacks. Parking areas shall be located at least twenty-five (25) feet from any public street and at least ten (10) feet from any parcel line.
- b. On-site Parking Required. Parking shall be provided to sufficiently accommodate for employee and visitor vehicles. Employee, customer or visitor parking will not be permitted on public streets in the Gateway Business Park. Shared parking with adjacent property owners is encouraged.
- c. Minimum Parking Area. Total parking space shall be a minimum of one hundred and eighty (180) square feet per parking stall, excluding drives and approaches.
- d. Bike racks and/or storage shall be provided as needed to meet the demand of employees and visitors.
- e. Surfaces. All driveways, walks and permanent parking areas shall be surfaced with asphalt concrete, cement concrete or pervious pavers.

14. Loading and Storage Areas.

- a. Loading Docks. Shall not be located on sides of any building facing any public street. No loading or unloading shall be permitted on, or which results in obstruction of public streets; loading areas shall be hard surface paved and dust free. Pervious surfaces to allow water infiltration are also permitted.
- b. Outdoor Storage Provisions. Outdoor storage shall be limited to the rear two-thirds of the property and within building setback lines, be hard surface paved and dust free, and be screened from public view behind a visual barrier and be limited to the following permitted uses:
 - (i). Materials, supplies, merchandise, garbage dumpsters or equipment; or
 - (ii). Finished manufactured goods scheduled for delivery.
- c. Screening. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Screening methods – including fences, walls or hedges - may not extend forward of building setback lines.
- d. Oil and Bulk Fluids. Storage of fuel oil or other bulk fluids must be screened from public view, or on the rear two-thirds of the property.
- e. Finished manufactured goods for the purpose of sales or promotional display are not subject to the conditions set herein for Loading and Storage Areas.

15. **Landscaping.**

a. Approved Landscaping Plans. All unimproved areas of every site on which a building is constructed in the Gateway Business Park shall be landscaped in accordance with submitted plans. All landscaping, planting, etc. shall be done in suitable manner so that it will produce an acceptable appearance, excepting only those areas as may be required for driveways, visitor parking or walks. Plans shall include a landscape care and maintenance manual or plan to ensure long-term viability of plantings. All trees shall be from the list adopted by the Tree Board in accordance with Viroqua Municipal Code Chapter 8.36.

b. Setback Landscape. The setback area abutting streets shall be landscaped with a combination of deciduous canopy trees, shrubbery and ground cover. At least one tree at least six (6) feet in height for each thirty (30) feet of street frontage shall be planted in the setback area. Plantings in any public way shall comply with the requirements of Viroqua Municipal Code Chapters 8.36 and 12.12.

c. Buffer Zone Landscape. Any "buffer zone", shall be a minimum of forty (40) feet wide and planted with plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective screen.

d. Parking Area Landscape. All on-site parking areas that serve twenty (20) vehicles or more shall be provided with landscape areas totaling not less than ten (10) percent of the surfaced area.

e. Landscaping Timeline. All landscaping shall be completed within ninety (90) days of issuance of a certificate of occupancy or similar document allowing occupation and use of such property by the governmental or public authority having jurisdiction thereof. If the certificate of occupancy is issued after October 1st of any given year, the landscaping completion date shall be June 30th of the following year.

16. **Stormwater Management.** All developments regardless of size shall meet or exceed the following performance standards:

a. Wisconsin Code NR 151 - Sub-Chapter III - Non-Agricultural Performance Standards.

b. Peak discharge shall meet pre-development rates for the 1 through 100-year design storm events based on NOAA Atlas 14 rainfalls.

c. All culverts shall be sized at a minimum to convey the twenty-five (25) year design storm event, with minimum diameter of fifteen (15) inches. All storm water conveyance channels must have a safe overland flow route that do not impact structures and minimize the inundation of roadways.

17. Property Maintenance.

a. Building Maintenance. The owner of any tract in the Gateway Business Park must at all times keep the premises, buildings, improvements and appearance in a safe, neat and clean condition and comply in all respects with all government, health and local policy requirements.

b. Waste and Refuse. The owner will remove at his or her own expense any rubbish of any character whatsoever which may accumulate on said property with the exception of ordinary city garbage collection. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.

Chapter 17.09

PLANNED UNIT DEVELOPMENT

Sections:

- 17.09.010 Purpose
- 17.09.020 Approval Process
- 17.09.030 PUD Lot Size and Project Size
- 17.09.040 General Development Plan (GDP) Procedure
- 17.09.050 PUD-GDP Contents
- 17.09.060 PUD-GDP Criteria for Approval
- 17.09.070 Effect of PUD-GDP Approval
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Section 17.09.010 Purpose. In return for greater flexibility in site design requirements, planned unit development (PUD) districts are expected to deliver exceptional quality community designs that preserve or enhance critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

Section 17.09.020 Approval Process. PUD approval process contains two steps: a general development plan (GDP), which covers overall project intent and is the rezoning for the project; and a specific implementation plan (SIP), which contains the design details for the project. Procedures and contents for each step are detailed in this section. PUDs proposed with a single phase are encouraged to submit a concept plan, followed by a combined GDP-SIP application.

Section 17.09.030 PUD Lot Size and Project Size. The PUD project size should be large enough to establish a comprehensive site plan and coherence of design. However, smaller redevelopment projects may be considered when PUD zoning is required in order for a redevelopment project to fit in with its surroundings.

1. The minimum size for projects on undeveloped lots is two (2) acres.

2. There is no minimum lot size for redevelopment projects. The City Council finds that planned redevelopment projects, when undertaken at density levels that approximate or exceed historic density patterns, can prevent sprawl, conserve open space, achieve a sense of place, enhance amenities, and reduce public and private costs of development.

Section 17.09.040 General Development Plan (GDP) Procedure.

1. Concept Plan. Applicants who will be seeking PUD-GDP approval are encouraged to submit a concept plan for discussion by the Plan Commission prior to investing in production of a full PUD-GDP application. A concept plan shall be submitted ten (10) days prior to a Plan Commission meeting for placement on the agenda. The purpose of the concept plan shall be to familiarize the developer and the Plan Commission with each other's intentions with respect to the PUD. Any statements made by either the Plan Commission or the developer at this stage of the development process shall not be binding. While there are no requirements for submittal of a concept plan, the developer is encouraged to submit sufficient materials to allow the Plan Commission to learn the intent of the project and offer general feedback to the developer.

2. The applicant shall submit ten (10) copies of PUD-GDP text and plans required under Section 17.09.050 of this code at least fourteen (14) days prior to the Plan Commission meeting.

3. City staff shall review the application for completeness under Section 17.09.050. Should city staff determine the application to be complete, it shall be placed on the Plan Commission agenda and application forwarded to the Plan Commission. A determination of completeness by city staff shall not prevent staff, the Plan Commission, or the City Council from requesting clarification or further information on items provided under Section 17.09.050 of this code in order to better judge the application against the criteria for approval.

4. The Plan Commission shall set the date of the required rezoning public hearing and refer the application to any necessary committees for comment.

5. City staff shall complete a detailed review of the proposed GDP to determine whether the proposed development meets the criteria for approval and/or whether further information is required in order to make such a determination.

6. The Plan Commission shall hold a public hearing consistent with the rezoning procedure contained in this code. Subsequent to the public hearing the Plan Commission shall make a recommendation to the City Council. The Plan Commission may recommend approval of the GDP application, approval with conditions (such as addressing staff/committee comments), or denial. A recommendation to approve with conditions shall list any such conditions. A recommendation to deny the application shall list the reason(s) why denial is recommended.

7. Should any conditions require edits to the submitted plans, the developer shall submit ten (10) updated copies of the proposed GDP. These items shall be provided at least ten (10) days prior to City Council consideration of the GDP.

8. The City Council shall review all provided materials. The council may approve the GDP as submitted, approve the GDP with conditions, or deny the rezoning. An approval with conditions shall list any such conditions. If conditions require edits to submitted plans, the council shall either direct staff to determine whether the conditions have been met, or direct the developer to resubmit the proposal to the council for such a determination. A denial of the application shall state the reason(s) why the application was denied.

9. When approved by the City Council, a PUD-GDP shall be a new zoning district that replaces the existing zoning district or districts that had applied to the PUD-GDP area. The development standards and land uses in an approved development plan are the zoning regulations, standards, and land uses for a GDP in the PUD district. The city shall retain a file containing the approved PUD-GDP document. The official zoning map shall identify the area covered by each PUD district and label each such PUD in a manner that will reference the approved PUD-GDP document. Within fourteen (14) days of all City Council conditions of approval having been met, the applicant shall record a document with the county which specifies the property covered by the PUD-GDP and references the approved PUD-GDP document.

Section 17.09.050 PUD-GDP Contents. The following items shall be submitted by the applicant seeking rezoning to a PUD.

1. A cover letter, signed by the owner(s) of the property covered by the PUD proposal that summarizes the proposed development and requests rezoning to PUD-GDP.

2. A legal description of the total site proposed for rezoning to PUD. For unplatted lands, this description shall be a metes and bounds description. For platted lands, this description shall provide township and range location, lot/outlot numbers, volume number, page number, and document number as applicable.

3. A statement describing how the GDP complies with relevant goals, objectives, and policies from the comprehensive plan.

4. A statement describing the planning objectives and the character of the proposed development (including permitted land uses), and why use of PUD zoning is necessary to achieve the desired character. Permitted uses may reference other districts in this code.

5. If the development is to be built in phases, a development schedule indicating the anticipated commencement and completion of each phase. A staging map shall be provided for projects with more than two proposed phases. Long-term developments may provide a range of years for certain phases. Changes from the anticipated timing and order of phases shall not require amendment of the GDP, however, each phase shall be planned and built in such a manner that will not create undue hardship for residents and/or tenants of the PUD or the city as a whole, should future phases be delayed.

6. A chart summarizing proposed GDP density.

7. Square footage of proposed commercial or industrial uses compared to site area.

8. Number of residential units broken down by number of bedrooms and anticipated unit type (single-family, multifamily, condominium, multifamily-apartment) compared to site area.

9. A discussion of any proposed exemptions/exceptions from landscaping, signage, parking, lighting, and any other design related regulations contained elsewhere in this code and why such exemptions/exceptions are necessary or desirable (this does not include design-related regulations that are found under a single zoning district). If no such discussion is provided, it shall be assumed that the PUD will comply with all such regulations of the original zoning district that would otherwise be utilized to accommodate similar development.

10. An overall map of the project area, illustrating its relationship to surrounding properties.

11. A map showing contours in four-foot increments, the location and size of floodplains, wetlands, and other natural resource areas, noting which areas are to be preserved and which areas will be impacted by the proposed development.

12. A map showing the general location and size of common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses, noting where items in (11) above overlap. Provision shall be made for maintenance of semi-public open space that is held in common (such as open space owned by a condominium or by a neighborhood association).

13. A map showing the location, types, and density or intensity of proposed uses.

14. A map showing the general layout of street, pedestrian, and bicycle circulation systems, with accompanying diagrams of proposed street cross-sections.

15. A map showing the layout of public utilities, such as sanitary sewers, storm sewers, storm water management facilities, and water mains. The map shall be at a level of detail sufficient to illustrate that provision of sufficient public utilities to the site is possible and can be accomplished in accordance with proposed phasing, but need not be more detailed.

16. The city may require a Traffic Impact Analysis (TIA).

17. Any other information required by the Plan Commission that is deemed necessary to judge the proposal against the standards for approval, the intent of the PUD, and/or the city comprehensive plan.

Section 17.09.060 PUD-GDP Criteria for Approval. The following criteria shall be applied as a basis for determining the acceptability of a GDP.

1. Compliance with the city comprehensive plan and any other planning documents relevant to the area that have been adopted by the city.

2. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall:

a) Respect the physical attributes of the site with particular concern for preservation of natural features, tree growth, and open space.

b) Produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with existing development.

c) Not adversely affect the anticipated provision of school or municipal services.

d) Not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.

3. The project will not adversely affect the economic prosperity of the city or the values of surrounding properties.

4. Engineering design standards. Streets and other ways, outdoor lighting, provision for storm water drainage, sanitary sewer service, water supply, or other similar environmental and municipal engineering considerations shall be based on appropriate standards necessary to implement the specific function and specific situation. In no case shall standards be less than those necessary to achieve the public health, safety and welfare as determined by the city.

5. Provision shall be made for the preservation and maintenance of open spaces either by public reservation or dedication or by commitment to preservation by a private entity, so as not to unduly burden existing park facilities.

Section 17.09.070 Effect of PUD-GDP Approval.

1. The approval of a GDP shall not authorize issuance of building permits. Building permits may only be issued after approval of the SIP.

2. Rezoning to PUD shall revert to prior zoning if a SIP for all or part of the previously approved GDP area is not submitted to the city within eighteen (18) months of City Council approval of the GDP. The landowner(s) or developer (with approval of the landowner) may apply to the City Council for extensions to the eighteen month period. The landowner(s) shall state the reason for the extension request. The City Council may approve or deny an extension at its discretion. An extension shall not be granted for longer than twelve (12) months at a time. Records of extensions shall be kept on file by the city.

Section 17.09.080 Amending a PUD-GDP. The process for amending a PUD shall be the same as the process for adopting a PUD-GDP under Section 17.09.040. The applicant shall resubmit a complete PUD-GDP with all the required elements under Section 17.09.050, plus a cover letter summarizing the changes between the originally adopted PUD and the proposed GDP amendment and the reasons for the proposed amendment.

Section 17.09.090 Specific Implementation Plan (PUD-SIP).

1. The developer may file a PUD-SIP after PUD-GDP zoning has been recorded with the county.

2. The area included in a SIP may be only a portion of the area included in a previously approved GDP.

3. If an SIP creates single-family or duplex lots, construction on such lots shall be reviewed by city staff to ensure consistency with: the previously approved GDP, the provisions contained within the SIP, and other relevant city ordinances. Review of site layout and design of single-family and duplex homes shall not be undertaken by the Plan Commission.

Section 17.09.100 PUD-SIP Procedure.

1. The applicant shall submit 16 copies of PUD-SIP text and plans required under Section 17.09.110 at least 21 days prior to the Plan Commission meeting.

2. City staff shall review the application for completeness under Section 17.09.110 to confirm that sufficient material has been submitted to review the application against the Criteria for Approval. Should city staff determine the application to be complete, it shall be placed on the Plan Commission agenda and forwarded to the Plan Commission and any necessary committees along with a report by city staff that details how the SIP complies with the previously approved GDP and how the criteria for SIP approval have been met. A determination of completeness by city staff shall not prevent the Plan Commission from requesting clarification or further information on items provided under Section 17.09.110.

3. The SIP shall be reviewed by the Plan Commission based on the criteria for approval in Section 17.09.120. The Plan Commission shall make a written recommendation to the City Council. The Plan Commission may recommend approval of the SIP application, approval with conditions, or denial. A recommendation to approve with conditions shall list the conditions. A recommendation to deny the application shall list the reason(s) of denial.

4. Any contracts or agreements, such as a development agreement, that the Plan Commission deems necessary, shall be prepared and forwarded to the City Council for consideration along with the SIP materials.

5. The City Council shall review all provided materials. The City Council may approve the SIP as submitted, approve the SIP with conditions, or deny the SIP. An approval with conditions shall list any such conditions. The City Council shall determine whether the conditions have been met. A denial of the application shall list the reason(s) why the application was denied. The developer shall submit a full plan set addressing all comments, which shall be kept on file by the city.

Section 17.09.110 PUD-SIP Contents.

1. Financing. Proof of financing capability pertaining to construction and maintenance of public improvement elements of the proposed development.

2. Consistency. Describing description of how the PUD-SIP is consistent with the previously approved GDP.

3. Plan Set. A plan set that shows the location, size and shape of the lot(s) involved; any proposed structures; and the existing and proposed use of each structure and lot; utilities to serve the development; and the existing and proposed contours of each lot. The Plan Commission may direct the developer to include a specific checklist of all relevant dimensions, square footages, structures, utilities, and any other improvements or changes being made to the property in question that must be shown in the plan set as part of the SIP application.

4. Erosion control and storm water management plan. Erosion control and storm water management plans meeting the requirements of NR 151 and NR 216 of the Wisconsin Administrative Code.

5. Lighting Plan. Proposed lighting for the site, including location, pole height, luminaire type, manufacturer's specifications, and pictures/diagrams of proposed fixtures.

6. Elevations. Color elevations of proposed buildings that illustrate and list proposed materials and colors. Elevations shall include necessary views to determine that all mechanicals, including rooftop mechanicals, are adequately screened to reduce both noise and visibility from ground level.

7. Other Materials. Section 17.09.110 shall be considered the minimum amount of information that must be provided to city to adequately compare the design review application with the standards contained in Section 17.09.120. Nothing herein shall prohibit the Plan Commission from requiring other materials or information as part of any SIP review process.

Section 17.09.120 PUD-SIP Criteria for Approval.

1. Consistency. The Plan Commission and City Council shall approve a PUD-SIP that is consistent with the previously approved PUD-GDP.

2. Appearance. No building shall be permitted to have a design or exterior appearance which is (in relation to its surroundings) unsightly or offensive to generally accepted taste and community standards. The City Council shall make necessary interpretations as to the substance of community standards.

3. Color. Color shall be selected in general harmony with the existing neighborhood or area buildings.

4. Facades, Generally. No blank walls shall face a public street, sidewalks, or other public spaces such as parks and plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.

5. Mechanical, Heating, Ventilation, and Air Conditioning Equipment. All mechanical, heating, ventilation, and air conditioning equipment shall be located in a manner to be unobtrusive or screened from view. Ground-level equipment may be screened by landscaping. Rooftop equipment will not be readily visible when viewed from ground level from other properties or public rights-of-way and should be screened in a manner that fits with the overall building design and materials. Exterior mechanical equipment such as ductwork shall not be located on building facades that face the public right-of-way.

6. Traffic Circulation. Site plans shall provide for safe traffic circulation and safe driveway locations. Uses and structures that typically have frequent deliveries by large vehicles shall provide loading and unloading areas as necessary so as to not cause undue traffic hazards or congestion on city streets. The Plan Commission shall consider typical delivery patterns for similar businesses when determining what shall be required for an individual use or building.

7. Topography and Drainage. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring areas.

8. Storm Water Management and Erosion Control. Appropriate storm water management and erosion control measures shall be utilized in all new construction as required by city ordinances and state law. Storm water management measures shall be well integrated with the landscaping plan and overall site design.

9. Outdoor Storage. Outdoor storage, service, or loading areas that are visible from adjacent residential uses or public streets and walkways shall be screened by a decorative fence, wall or plant material.

10. External Garbage and Refuse Containers. All external garbage or refuse containers shall be screened from the street and neighboring properties by walls, fences, berms, and/or effective landscaping.

11. Lighting. a) All outdoor lighting fixtures shall be cutoff-type fixtures. b) All outdoor lighting fixtures shall be placed so as to eliminate trespass greater than 0.5 foot-candles on the ground at the lot line. The Plan Commission may grant exceptions to this standard for uses in the commercial district that abut an adjacent commercial lot line. c) All outdoor lighting fixtures must be installed, maintained, and operated according to approved plans, including any restrictions on hours of use. d) No pole-mounted luminaire shall be taller than thirty-five (35) feet from ground level, except for lighting for athletic fields. e) Visible glare from beyond the property line is prohibited. 99 f) Building-mounted lights shall be mounted and installed so that all light is directed downward, unless the lighting is decorative in nature. g) No lights shall be mounted above the parapet, or for pitched roofs, above the eave, except for motion detection security lighting and decorative lighting. h) Decorative lighting is permitted, provided that lighting fixtures are aimed and shielded so that light is directed only onto the building façade and not towards adjacent properties or right-of-way.

Section 17.09.130 Effect of PUD-SIP Approval.

1. Building permits may be issued subsequent to City Council approval of the SIP and fulfillment of all conditions established by the City Council.

2. SIP approval lapses twelve (12) months after City Council approval if substantial development progress has not occurred. The landowner(s) or developer (with landowner's permission) may apply to Plan Commission for extensions to the twelve month period. The landowner(s) shall state the reason for the extension request. The City Council may approve or deny any extension at its discretion. An extension shall not be granted for longer than six (6) months at a time.

Section 17.09.140 Modifying a PUD-SIP.

1. Modifications to previously approved SIPs shall be considered minor or major modifications and shall be kept in the project's file.

2. Minor modifications. Minor modifications shall be considered administratively by the City Administrator. Denial of a minor modification may be appealed to the City Council. The following criteria shall be considered minor modifications to an approved SIP:

a) The modification will not significantly reduce any area of landscaping, open space, natural area, or parking.

- b) The change does not alter the density of the plan by more than ten (10%) percent (density shall be measured in square footage for commercial and industrial, and number of dwelling units for residential).
- c) The modification will not result in any structure, circulation, or parking area being moved significantly in any direction.
- d) The modification will not alter an approved setback by more than ten (10%) percent.
- e) The modification does not add any floors to the approved structure and does not change the height (in feet) of the structure by more than ten (10%) percent.
- f) The modification does not result in any significant adverse impacts beyond the site.
- g) The modification maintains the design intent or purpose of the originally approved development plan.
- h) The modification maintains the quality of design or product established by the originally approved SIP.
- i) The modification does not significantly alter the elevations of a previously approved structure with regard to materials, color scheme, or façade articulation.
- j) The modification complies with all relevant standards in this zoning code that may not be specific to the approved PUD-GDP or PUD-SIP (this may include landscaping, signage, lighting, or other standards).

3. Major modifications. All modifications that are not minor modifications shall be major modifications. Such modifications shall be approved, approved with conditions, or denied by the City Council. Conditions of approval shall be listed, and any reason(s) for denial shall be provided. Should the City Council determine that the SIP modification is so different from the originally approved SIP as to constitute a new proposal, the SIP shall be submitted for review by the Plan Commission and forwarded, with a recommendation, to the City Council for its consideration.

Chapter 17.12

ADMINISTRATION

Sections:

- 17.12.010 Building Inspector.
- 17.12.020 Changes and amendments.
- 17.12.030 Board of Appeals.
- 17.12.040 Enforcement: Violations and penalties.
- 17.12.050 Variance fee.

17.12.010 Building Inspector. There is hereby created the position of building Inspector, who shall have the powers and duties as outlined herein. This position shall be filled by appointment of the Mayor, subject to confirmation.

- A. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications.
- B. Issue permits and inspect properties for compliance with this ordinance and issue Certificates of Compliance when appropriate.
- C. Investigate, prepare reports and report violations of this chapter to the City Attorney.

17.12.020 Changes and Amendments. The City Council of the City of Viroqua may from time to time, alter, supplement or change the boundaries of districts and the regulations contained in this chapter in the manner provided by law.

17.12.030 Board of Appeals. There is hereby created a Board of Appeals, which may, in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general and specific regulations herein. It shall hold meetings and have power provided by the Wisconsin Statutes, 62.23(7).

17.12.040 Enforcement: Violations and Penalties. A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building, or the establishment of such use or to cause building, structure, or use to be vacated or removed.

B. Any person, firm or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$10 and not more than \$500 for each offense, together with the cost of prosecution, and in default of payment, shall be imprisoned in the county jail of Vernon County until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation exists shall constitute a separate offense. Every violation of this chapter, is a public nuisance and may be enjoined and the maintenance thereof may be abated by action of suit of the City of Viroqua, the state or any citizen thereof.

C. The City, and any person who may be specially damaged in the event of any violation or threatened by any provision of this ordinance, may institute appropriate legal action to prevent such violation or to restrain, correct or abate such violation.

17.12.050 Variance Fee. An applicant for a variance shall pay a fee of \$75.00 at the time application is made to the City. (Ord. 460, 1996).

Chapter 17.16

DEFINITIONS

Section:

17.16.010 Definitions

ACCESSORY BUILDING OR USE includes a garage, a car port, a storage shed, and any other building, use or activity which is conducted or located on the premises of the principal use served, customarily incidental to, subordinate in purpose to, and clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupant, employee, customer, or visitor of or to the principal use.

ALLEY - An "alley" is a public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principle frontage is on a street.

BUILDING is a structure built, used, designed, or intended for the support, shelter, protection, or enclosure of person, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING LINE/STREET SETBACK LINE . Minimum horizontal distance between an existing or proposed street right-of-way and the nearest point of a structure. The street setback of any lot or parcel abutting on a street shown as a proposed future street on the City's "Official Street Map" shall be measured from the proposed right-of-way line if different from the existing actual right-of-way line if different from the existing right-of-way.

CONDITIONAL USE - See: Use, Conditional

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

DWELLING is a building, or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings.

DWELLING UNIT. A house, apartment, group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not share living facilities with any other persons in the structure and which quarters have direct access from the outside of the building or through a common hall. The occupants may be a single family or any group of related or unrelated persons who share living arrangements.

DWELLING. MULTIPLE. A dwelling containing (1) three or more dwelling units, and/or (2) a dwelling unit with any number of persons in excess of one family.

DWELLING. SINGLE FAMILY. A detached dwelling containing accommodations for and occupied by one (1) family only.

DWELLING. TWO FAMILY. A Dwelling designed exclusively for occupancy by two (2) families living independently of each other, and occupied by two (2) such families only.

FAMILY. An individual, or two or more persons related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or persons plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity.

HALFWAY HOUSE/REHABILITATION CENTER/HOME FOR ADJUSTMENT is a use providing board and room, recreational, counseling, and other rehabilitation services to individuals, of either sex, or society adjustment problems requiring specialized attention and care in order to achieve personal independence. Individuals participating in a work release, or similar program from a state institution, and under the supervision of a county, state or local agency shall be included with this definition.

HOME OCCUPATION is any occupation or profession carried on by a member of the immediate family residing on the premises providing that such occupation is incidental to the use of the premises for residential purposes and does not effect any substantial change in the external arrangement of the buildings or in the character of the neighborhood; no substantial amount of stock in trade is kept or commodities sold, no person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. home occupations are not permitted which involve the presence of any kind of animal, rodent or aquatic life on the premises as an essential part of such home occupation.

LOT is a parcel of land for which a legal description has been recorded at the office of the Register of Deeds.

LOT LINE, FRONT shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot lines as the front lot line. In the case of the land-locked or partially land-locked land, the front lot line shall be that lot line that faces the access to the lot.

LOT LINE, REAR shall be that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line. If there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the lines bounding the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line shall be line 15 feet long, within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

LOT LINE, SIDE shall be any boundary of a lot which is not a front lot line or a rear lot line.

LOT WIDTH is the horizontal distance from the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

LOT, CORNER is a lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street two (2) chord of which form an angle of one hundred twenty (120) degrees or less measured on the lot side.

LOT, DOUBLE FRONTAGE is a lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MANUFACTURED BUILDING - any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or
2. Is building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.
3. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer. The term manufactured building does not include building of open construction which is not subject to par. (a) 2. A single or double width mobile home is not considered a manufactured building.

MOBILE HOME is that which is, or was originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachment, annexes, foundations and appurtenances.

MOBILE HOME PARK - a tract of land designed, maintained, or intended for the purpose of supplying a location or accommodations exclusively for one or more mobile homes, and upon which any mobile home, coach, or mobile home coaches are parked, and shall include all buildings used or intended for use as a park of the equipment thereof, whether or not a charge is made for the use of the mobile home park facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection, display and sale.

MOTEL - a combination or group of two (2) or more detached, semi detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NON-CONFORMING USE is any use of land, building or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulation of this ordinance or of any amendment hereto governing use of the zoning districts in which such use is located.

ORDINARY HIGH WATER MARK - the highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a distinguishable mark including steam bans, limits of vegetation or other obvious indicators.

PARKING LOT is a building or premises containing one or more vehicle parking spaces excluding parking for single and two-family residence.

PARKING SPACE - an unobstructed and clearly marked 180 square foot area not counting turning, ingress and egress areas as determined by the Zoning Administrator. Each such parking space shall be located off the public street but accessible thereto. A loading space is not a parking space.

PERSON - "Person" means any individual, firm, association, corporation or body politic and includes any receiver, assignee or similar representative thereof.

PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. Also see "Home Occupation, Professional Offices".

PUBLIC WAY is any sidewalk, street, alley, mall, highway, or other public thoroughfare.

SETBACK - the minimum horizontal distance between the street right-of-way line and the nearest point of a building.

SHOPPING CENTER - a retail center designed for the purpose of retailing and providing a wide range of goods and services of both the "convenience" and the "shoppers or durable" nature such as apparel, furniture and banking and financial service, for a trade area comprised

the entire community and extending beyond such center may include a number of separate businesses and stores within one or more structures under the ownership and management by one or more individual business and/or by a separate developer or corporation.

SIGN - a publicly displayed mark or symbol bearing some advertisement .

STRUCTURE - anything constructed, installed or erected, excluding surfacing and pavements.

USE - "Use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Accessory use shall be considered part of the principal use.

USE. ACCESSORY - see Accessory use.

USE, CONDITIONAL - is a use either public or private which, because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land such "conditional use" may or may not be granted, subject to the terms of this ordinance and the intent of the respective district.

USE. PERMITTED - is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulation, and standards of such district.

USE. PRINCIPAL - is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional".

UTILITIES - any public or private water, light, heat, or power supply, or waste collection and/or disposal system, including but not limited to, septic systems, private and public wells, and their attendant facilities, public sewage collection system and treatment facilities.

VARIANCE - a modification or variation of the provisions of this ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance. Variances can be considered and granted by the Zoning Board of Appeals only.

VISION CLEARANCE - an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner of each street line.

YARD is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. A "yard" extends along a lot line, and to a depth or width specific in the yard requirements for the zoning district in which such zoning lot is located.

YARD, REAR - a yard extending the full width of the lot between the rear lot line and the nearest part of the main building, excluding uncovered steps; provided that if there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the lines bounding the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line shall be a line 15 feet long, within the lot, parallel to the front lot line of the main chord thereof, and at the maximum distance from the front lot line.

YARD, SIDE - a yard extending from the front yard, or the front lot line if there be no front yard, to the rear yard, being the minimum horizontal distance between a building and the side lot line.

Chapter 17.40SIGNSSections:

- 17.40.01 0 Preamble
- 17.40.02 0 Definitions
- 17.40.02 5 Computations
 - 17.40.030 Permits and Fees
 - 17.40.040 Design, Construction, and Maintenance
 - 17.40.050 Nonconforming Signs
 - 17.40.060 Violations and Remedies
 - 17.40.070 Appeals and Variances
 - 17.40.080 Design Review
- 17.40.09 0 Historic Signs
 - 17.40.120 Signs Allowed on Private Property
 - 17.40.140 Signs in the Public Right of Way
 - 17.40.150 Exempt Signs
- 17.40.16 0 Prohibited Signs
- 17.40.17 0 Electronic Variable Message Signs
 - 17.40.190 Conflict and Severability

Tables 1, 2, and 3
Figures 1-13

17.40.010 PREAMBLE

1. Purpose. The purpose of this Sign Ordinance is to establish minimum standards for the City of Viroqua in order to maintain and enhance the aesthetic environment, to preserve the historic character and the scenic and natural beauty of the city including "Main Street", to minimize the possible adverse effect of signs on nearby public and private property, to improve pedestrian and traffic safety, and to permit the fair and consistent enforcement of these regulations through comprehensive and impartial standards. (Ord. 05OR006)

2. Scope and Applicability – Effect. A "sign" (as defined in this ordinance) may be erected, placed, established, painted, created, or maintained in the City only in conformity with this Ordinance. The intended effect of this ordinance as more specifically set forth herein, is:

a. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

- b. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- c. To prohibit all signs not expressly permitted by this ordinance;
- d. To establish reasonable fees to recover the City's cost of administration of this ordinance;
- e. To provide for the enforcement of the provisions of this ordinance; (Ord. 05OR006)

17.40.020 DEFINITIONS

1. Interpretations. Words and phrases used in this Ordinance shall have the meaning set forth in this chapter. Words and phrases not defined in this chapter but defined elsewhere in the City zoning code, shall be given the meaning set forth there. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Awning. A type of hood or covering over doors or windows, constructed of flexible fabric or equivalent on a light metal frame which is adjustable or fixed.

Banner. A sign of light-weight, non-illuminated fabric or similar material that is mounted to a pole or a building at one or more edges; usually used for temporary display such as special announcement of a coming event.

Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Building Frontage. The distance for which a building is parallel or nearly parallel to the abutting street.

Building Inspector. An agent of the City of Viroqua authorized to permit, inspect, approve, or deny construction within the City.

Building Marker. Any sign indicating the name of the building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, sale or sales event or other commercial activity.

Design Review Board. A board that shall be formed for the purpose of reviewing sign permit applications. See 17.40.080 (4) for details of the Design Review Board organization.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other public entity.

Historic Sign. Historically and architecturally significant signs that create a particular historic character on buildings or in areas of historic significance (i.e., historical theater, carnival, fair settings, etc.) as determined by the Historic Preservation Commission (see section 17.40.090).

Main Street Program Area. An area bounded on the south by South Street, on the west by Rock Avenue, on the east by Center Street, and on the north by Broadway Street.

Multiple Occupancy. A building occupied by a single occupant who engages in more than one activity within the building or which contains 2 or more activities engaged in by different occupants.

Mural. Of or pertaining to a wall; on or in a wall; as mural paintings. Noncommercial images of an aesthetic, illustrative, or decorative nature painted on a wall or affixed to a wall.

Nonconforming Sign. Any sign that does not conform to the requirements of this ordinance, but was legal at the time this sign ordinance was enacted.

Pennant. Any lightweight flexible plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

Premises. The contiguous land in the same ownership or control which is not divided by a street or other public right of way. The words "parcel", "property", "site" and "lot" shall have the same meaning as premises.

Principal Building. The building in which is conducted the principal use of the premises on which it is located. Premises with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Reflective Material. A material designed to reflect light directed to it for the purpose of night-time visibility without self illumination.

Roofline. The top of the building wall or the top of the parapet; for buildings with sloped roofs: whichever forms the top line of the building silhouette, excluding any minor projections such as chimneys.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign. A "sign" is everything publicly displayed which bears information, including, without limitation because of enumeration, every device, fixture, placard, or structure using any color, form, graphic, illumination, symbol, or writing; and also including every structure which has been used as part of a sign, or erected to be used as part of a sign.

Types of signs mentioned in this ordinance include the following:

Abandoned. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed.

Animated. Any sign that uses action or motion of the entire sign or any of its parts, or change of lighting, but not including flashing signs, either natural or artificial, to depict action or create a special effect or scene. (06OR011)

Awning. Any sign that is a part of or attached to an awning.

Building. Any sign attached to any part of a building, as contrasted to a freestanding (ground) sign.

Canopy. Any sign that is a part of or attached to a canopy, marquee, or other structural protective cover over a door entrance, window, or outdoor service area.

Changeable Copy/Reader Board. A sign or portion thereof either permanently mounted or on a portable stand, with characters, letters, or illustrations that can be changed or rearranged by manual replacement without altering the face or the surface of the sign.

Double faced. A sign having 2 faces separated by not more than 3.5 feet, each face being of equal area and identical proportions to the other with each face located on the sign structure so as to be exactly opposite the other.

Electronic Variable Message. A sign which may be electrically, electronically or mechanically controlled and capable of showing a series of different messages in sequence (e.g., time, temperature, date, or changing messages).

Face. The surface or plane of the sign upon, against, or through which a message is displayed or illustrated.

Flashing. Any internally or externally illuminated sign on which artificial or reflected light is not maintained stationary and/or constant in intensity and/or color at all times when in use. (06OR011)

Freestanding. Also known as: Ground. A sign which is attached to or a part of a completely self-supporting structure (a free standing frame, mast, or pole, or more than one such mast or pole). The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Identification. A sign that identifies the street number and when appropriate, the name of the building.

Illuminated. Any sign which has characters, letters, figures, designs, or outline illuminated internally or externally by artificial means, whether from within or from a light source located outside the sign, whether such outside lighting is attached, affixed, or independent from the sign.

a) Internal. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

b) External. Illumination so arranged that the light is reflected from the sign to the eyes of the viewer. A sign artificially illuminated other than an internally illuminated sign.

Incidental. A sign, generally informational that has a purpose secondary to the use of the premises on which it is located, such as "no parking," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered incidental.

Off Premises. A sign which directs attention to a business, commodity, product, service, activity, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed. The term off premises sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On Premises. A sign which directs attention to a business, commodity, product, service, activity, entertainment, or attraction sold, offered, or existing on the same premises where such sign is displayed; provided, an on premises sign may also display a noncommercial message.

Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs, umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

Projecting. Any sign that shall be affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted and projects more than 12 inches from a building.

Roof. A sign erected upon or above any portion of the roofline or parapet wall of a building, and which is wholly or partially supported by said building. A sign painted upon the roof of a structure.

Suspended. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary. Any sign that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time. All of the following signs shall be considered temporary signs and shall meet the requirements for temporary signs:

1. Promotional and special event banners.
2. Signs erected in conjunction with the construction or remodeling of a building.
3. Election campaign signs.
4. Inflatable signs and tethered balloons.
5. Open house and grand opening signs.
6. Outdoor sale signs.
7. Portable signs.
8. Real estate sale or lease signs.
9. Temporary window signs.
10. Garage and rummage sale signs.

Wall. Any sign that shall be affixed parallel to the wall or printed on the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building nor extend more than 12 inches from the building structure. A sign mounted upon a sloped roof of a commercial building which is an integral part of the design of such roof and building, and does not project above the roof line shall be considered a wall sign.

Window. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window for purposes of viewing from outside the premises.

Sign Districts . For the purposes of this ordinance City Zoning districts are grouped into the following "Sign Districts".

1. Residential Sign District.

- A-1 Agricultural Transition District
- C-1 Conservancy District
- R-1 Single and Two-Family District
- R-2 Multiple Family Residence District
- R-3 Mobile Home Park District

Premises located in any other nonresidential zoning district where the principal use is residential will be governed by the regulations of this sign district.

2. Commercial Sign District.

- B-1 Central Business District
- B-2 Commercial District

3. Industrial Sign District.

- B-3 Industrial District
- B-4 Industrial Park

4. Institutional Sign District. Rules applicable to this sign district apply on all premises that contain schools (public and private; K-12 and post high school institutions) and/or Churches, regardless of zoning district.

Street Frontage. The distance for which a lot line of a parcel adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Structure. Any structure or material which supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including braces, guys, and decorative covers.

Structural alteration. Includes, but is not limited to, the following: to relocate, replace, expand, enlarge, reposition, raise, heighten or illuminate. Structural alteration does not include repainting, cleaning, and other normal maintenance or repair of a sign or sign structure or change of message on the face of a sign.

Vision Triangle. The area formed by measuring from the intersection of 2 property lines at the intersection of 2 streets to points 25 feet along said property lines and then connecting these 2 points with a straight line. (Ord. 05OR006)

17.40.025 COMPUTATIONS

1. Sign Area. The area of a sign shall be computed by means of the smallest rectilinear figure which encompasses all lettering, wording, frame, design or symbols, together with any background and any illuminated part of the sign on which the sign is located, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Supports and bracing which are not intended as part of the sign and which contain no message, shall be excluded.
2. Sign Area for multi -faced signs. If the sign consists of more than one face, the area of all faces shall be totaled, except that when two sides of a double faced sign display identical messages or other representation, the gross area shall include only one of the sides.
3. Sign Height. The height of a sign shall be the vertical distance measured from the ground where the sign is located to the highest attached component of the sign, including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. (Ord. 05OR006)

17.40.030 PERMITS AND FEES

1. Permits Required. No person shall erect or structurally alter any sign, except those specifically exempted by this Chapter without a permit from the Building Inspector, which shall be issued only after written application on a form prepared by the Building Inspector if the sign complies with all of the provisions of this chapter and payment of a fee as provided herein. The application shall be accompanied by such scale drawings (including, but not limited to site plan, structural details), photographs and other information as the Building Inspector may reasonably require. If the sign owner (for example, a building tenant) is different than the property owner the permit shall be signed by both parties.
2. A sign permit shall become null and void when the work authorized by the permit has not been accomplished within 120 days of the issuance of the permit.
3. Fees. The fee for a sign permit shall be \$25 for a sign which costs less than \$5,000, and an additional fee of \$1 per \$1,000 cost, or part thereof, in excess of \$5,000.
4. A permit is not required for normal maintenance or repair of a sign or change of message that does not structurally alter the sign. See definition for structural alteration.
5. Any person who erects a sign without a permit when a permit is required by this chapter shall be required to forfeit twice the amount of the applicable fees. (Ord. 05OR006)

17.40.040 DESIGN, CONSTRUCTION AND MAINTENANCE

1. Design Construction and Maintenance. All signs shall be designed, constructed and maintained in accordance with the following standards:
 - a. All signs shall comply with applicable provisions of the Wisconsin Building Code and the National Electric Code.
 - b. Except for temporary signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure, and shall be maintained in good finished (not faded) and good structural condition at all times; able to withstand 30 psf of wind pressure. Freestanding steel sign structures that exceed 12 feet in height shall be designed to be unbolted at their foundation.
 - c. Signs shall not cover or obstruct doors and windows.
 - d. In addition to the setback requirements in this ordinance, all signs shall be located such that there is at every street intersection a clear view between heights of 2 feet and 10 feet in the vision triangle. Signs located closer than 15 feet from the right of way and 15 feet from the edge of a driveway shall maintain a clear view between heights of 2.5 feet and 8 feet.
 - e. All signs shall meet minimum standards of professional quality in design, construction and maintenance.
2. Abandoned signs. All signs shall be removed by the owner or lessee of the premises when the business on the property has not been conducted for a period of 3 months. (Ord. 05OR006)

17.40.050 NONCONFORMING SIGNS

1. A sign other than a temporary sign that would be permitted under this Chapter only with a sign permit but which was in existence on the effective date of this ordinance, or on the effective date of any applicable amendment thereto, or on a later date when the property is annexed to the City, and which was constructed in accordance with this Chapter and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Chapter, shall be allowed to remain in place.
2. Such signs, which were made nonconforming by the adoption of this Chapter, or as amended, shall be allowed to remain in place, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed.

3. A nonconforming sign shall not be re-established after damage or destruction if such damage to the sign exceeds 50 percent of its original construction cost or current replacement cost, whichever is less. The extent of the damage shall be determined by the Building Inspector.

4. Nonconforming animated and flashing signs. Signs that contain flashing, animated or moving parts are allowed to remain, provided that those parts are disabled within 6 months of the adoption of this ordinance. (Ord. 05OR006)

17.40.060 VIOLATIONS AND REMEDIES

1. Any of the following shall be a violation of this Chapter and shall be subject to the enforcement remedies and penalties provided by this Section, by the Zoning Ordinance, and by State law:

a. To erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the premises on which the sign is located;

b. To erect or maintain any sign requiring a permit without such a permit;

c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Chapter; or

d. To continue any such violation. Each day that each sign is in violation shall be considered a separate violation.

2. Remedies. Any sign erected or structurally altered in violation of this Chapter shall be removed by the owner or brought into compliance within 30 days of written notification by the building inspector. If the owner does not remove or bring into compliance, the City may cause removal to be executed. All costs of such removal shall be collected as a special assessment on the next succeeding tax role. (Ord. 05OR006)

17.40.070 APPEALS AND VARIANCES

1. Appeals may be made to the Zoning Board of Appeals by the same rights and procedures governing other zoning appeals. Appeals shall be reviewed by the Building Inspector who shall provide findings and advice to the board prior to its decision.

2. Specific variances from the terms of this Chapter may be granted where by reason of exceptional topographic conditions or other extraordinary and exceptional situation or conditions on a piece of property, the strict application of this ordinance would result in peculiar, exceptional, and undue hardship. Variances shall not be considered for off premise signs. (Ord. 05OR006)

17.40.080 DESIGN REVIEW

1. Before the issuance of a sign permit within the Commercial, Industrial or Institutional Sign Districts, the Design Review Board shall have an opportunity to review the application. The review board may approve, deny, or require changes to the proposed sign based upon the standards in paragraph 3 and the Design Review Guidelines. Upon approval, the Design Review Board will issue a Certificate of Appropriateness.
2. The intent of design review is to promote signage that is aesthetically pleasing; advances the purposes of this chapter; complements the goals of the Main Street Program; protects the historic architecture within the program area; and preserves the pedestrian scale of the program area. Applicants are encouraged to obtain a copy of the Sign Design Guidelines and to coordinate with the review board early on in the design phase.
3. Sign proposals will be reviewed in the context of Sign Design Guidelines to be established by the Design Review Board, maintained by the Building Inspection office, and based on the following standards and other relevant factors:
 - a. Appropriate placement of signs on buildings.
 - b. Appropriateness to surrounding architecture, setting, and neighboring signage.
 - c. Promotion of business through quality, attractive, economical signage.

Additional standards applicable to the Main Street Program Area:

- d. Emphasis on business name and logo as opposed to advertising of name brands.
 - e. Signage that is scaled to pedestrians and slowly moving traffic.
 - f. Internally lit box signs are discouraged as being out of character with the traditional appearance of Main Street.
4. The Design Review Board shall be organized as follows:
 - a. Annually, no later than May 1, the Viroqua Chamber Main Street shall appoint a chairperson. The chairperson shall vote only to break a tie.
 - b. Annually, no later than May 1, the Viroqua Chamber Main Street Board of Directors and the Historic Preservation Commission shall each appoint two (2) individuals to serve on the Design Review Board. The Design Review Board shall organize annually, no later than May 15 and appoint one city resident member. The resident member should have artistic, graphic design or architectural aptitude, background or experience.
 - c. Agendas shall be posted, and meetings shall be conducted in accordance with Wisconsin open meetings procedures, including recording minutes of the meetings. (16 OR 007)

5. The Design Review Board shall act upon the application within 10 working days. If approved, a Certificate of Appropriateness will be issued and the Building Inspector may issue the permit. If not approved, the Design Review Board will submit a written explanation as to why the application was denied, and/or what changes need to be done to conform to the provisions of this ordinance.

Appeals. Appeals shall be made to the Zoning Board of Appeals by the same rights and procedures governing other zoning appeals. The Zoning Board of Appeals reserves the right to seek the advice of the Design Review Board for any appeals. (Ord. 05OR006)

17.40.090 HISTORIC SIGNS

1. Historic signs. Within 6 months of the adoption of this ordinance the Historic Preservation Commission shall submit to the City Building Inspection Department a list of individual historic signs, which shall constitute the permanent record of historic signs in the City. After that time, only an in-place sign uncovered in restoration work or a sign on a property annexed to the City shall be eligible for designation as a historic sign. For a sign to be designated historic it must:

- a. have existed continuously in its current location or proximate thereto since 1950;
- b. be an appurtenant graphic;
- c. be unique and enhance the cultural, historical, or aesthetic quality of the City; and
- d. be structurally sound.

2. Historic signs shall not count against the maximum allowable signage on the premises and shall be exempt from other provisions of the ordinance that would not normally permit the placement of that sign in that location. (Ord. 05OR006)

17.40.120 SIGNS ALLOWED ON PRIVATE PROPERTY

1. Permanent Signs. The following signs whose subject matter relates exclusively to the premises on which they are located, or to products, accommodations, or activities on those premises (on premise signs), shall be allowed as follows:

a. Permanent signs shall be allowed on private property in the City only in accordance with, Table 1. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the sign districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the sign districts represented by that column; special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such sign is not allowed in the sign districts represented by that column under any circumstances.

b. Although permitted under Table 1, a sign designated by an "A" or "P" shall be allowed only if it complies with the requirements for size, location, number and other characteristics in:

1) Table 2 (Number and dimensions of certain individual signs by sign type), and Table 3 (Permitted sign characteristics by sign district); and

2) Figures 1 – 12

2. Temporary Signs. With the exception of banners, no temporary sign shall exceed 16 square feet. Temporary signs shall meet all setback requirements. The following temporary signs are allowed, for the time period listed; for permit requirements see Table 1:

a. Banners: Promotional and special event banners shall be erected no more than 30 days prior to the event and must be removed within 5 days after the event.

b. Construction signs: One unlighted sign of up to 16 square feet (8 square feet in the residential sign district) identifying parties involved in construction on the premises where the sign is located. The sign must be removed within 7 days after substantial completion of construction. Signs announcing "Future site of..." fall in this category, as do subdivision development signs.

c. Campaign signs: Campaign signs may not be erected sooner than 45 days before any election and must be removed within 5 days after any election. Signs shall not exceed 16 square feet (8 sq. ft. in the residential sign district).

d. Real estate signs: One unlighted sign of up to 16 square feet (8 square feet in the residential sign district) pertaining to the sale, rental or lease of the premises on which the sign is displayed; to be removed within 14 days after sale, rental or lease.

e. Portable signs: No more than one sign per premises, not to exceed 16 square feet (8 square feet in the residential sign district); limited to 30 days. Signs may not be illuminated.

f. Garage sale signs: Signs of up to 6 square feet, displayed on private property, not to exceed 5 consecutive days.

g. Display window signs: The inside surface of any ground floor window may be used for attachment of temporary signs.

h. Other non illuminated signs that meet the definition of a temporary sign. (Ord. 05OR006)

17.40.140 SIGNS IN THE PUBLIC RIGHT OF WAY

No signs shall be allowed in the public right of way, except the following:

1. Permanent signs:

- a. Public signs erected by or on behalf of a governmental body to post legal notices, identifying public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- c. Signs projecting over a public right of way where the street setback requirement is zero, such as in the B-1 Central Business District, in conformity with this Chapter.

2. Temporary signs: Temporary signs as permitted in Table 1.

3. Emergency signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right of way.

4. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with this Chapter shall be forfeited to the public and subject to confiscation. In addition to the other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. (Ord. 05OR006)

17.40.150 EXEMPT SIGNS

The following signs shall be exempt from regulation under this Chapter:

- 1. Any public notice or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance;
- 2. Any sign inside a building, not attached to a window or door, that is not legible from the lot line of the premises on which the sign is located;
- 3. Murals.
- 4. Holiday lights and decorations with no commercial message;
- 5. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message.
- 6. Signs located within the Vernon County Fairgrounds not intended to be viewed from off of the grounds. (Ord. 05OR006)

17.40.160 PROHIBITED SIGNS

All signs not expressly permitted under this Chapter or exempt from regulation in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

1. Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object.
2. Signs painted directly onto brick building walls.
3. Signs placed upon metal light poles, utility poles, stop signs, or traffic signs.
4. Signs that contain flashing, animated, or visible moving parts. Traditional barber poles are allowed.
5. Signs utilizing spotlights which are directed at motorists or adjacent properties, and illuminated signs whose light source is positioned so that the light beam is directed onto adjacent properties or roadways. Beacons.
6. Signs that purport to be or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop", "go slow", "caution", "warning", or similar words that are displayed in the colors normally associated with them as official signs.
7. Roof signs.
8. Electronic Variable Message Signs, except displays limited to time and temperature.
9. Freestanding signs that extend or project over any building, canopy or roof.
10. Signs that contain reflective material. Incidental signs that direct traffic and do not exceed 6 square feet in area may contain reflective material.
11. Use of a vehicle or trailer as a sign in circumvention of this ordinance.
12. Over the street banners.
13. Signs that make noise by mechanical, electrical, or wind pressure means. (Ord. 05OR006)

17.40.170 ELECTRONIC VARIABLE MESSAGE SIGNS

1. Electronic variable message signs are prohibited in the "Historic District" which for purposes of this section means the area bounded by Rock Avenue, Center Avenue, Gillette Street, and South Street.
2. A permit for an electronic variable message sign may not be granted unless the sign meets all other requirements of this Chapter and the following additional requirements:
 - a. The height cannot exceed 22 feet;
 - b. No flashing lights;
3. A permit to install and maintain an electronic variable message sign may be granted only as a conditional use. The objectives which the conditions are intended to accomplish are the following:
 - a. Degree of use of the sign, if any, after normal business hours (10 PM to 6 AM) – limited or minimal use is preferred, e.g., static display, time and temperature, etc;
 - b. Degree of use of graphics – less is better;
 - c. Degree of use of multiple colors – less is better;
 - d. Frequency of change of message – State WisDoT standard sets minimum;
 - e. Effect of the sign with respect to other land uses within 100 feet; and
 - f. Other extenuating or special circumstances.
4. The Plan Commission shall hold a public hearing following appropriate legal notice and conduct a discussion of the pertinent factors, including but not necessarily limited to those listed above. The Plan Commission shall prepare a written report of its recommendations regarding the terms of the conditional use permit to be presented to the Council. (060R011)

17.40.190 CONFLICT and SEVERABILITY

1. Conflict. If any part of this ordinance is found to be in conflict with any other ordinance or any other part of this ordinance, the most restrictive or highest standard shall prevail.
2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this ordinance, or the application of the provision to other persons or circumstance is in effect and shall remain in full force and effect.
3. Protection of First Amendment Rights. Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance. (Ord. 05OR006)

**Table 1 – PERMITTED SIGNS
BY TYPE AND SIGN DISTRICT**

A = Allowed without permit P = Permit Required N = Not Allowed

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Institutional</u>
<u>Freestanding Signs (a)</u>				
Freestanding	A(b)	P	P	P
Incidental	A(c)	A	A	A
<u>Building Signs (a)</u>				
Building Marker (e)	A	A	A	A
Canopy	N	P	P	P
Identification (d)	A	A	A	A
Incidental	A(c)	A	A	A
Projecting	N	P	P	N
Roof	N	N	N	N
Suspended	A	P	P	P
Wall	A(b)	P	P	P
Window	N	P	P	N
<u>Temporary Signs (f)</u>				
Banner	A	A	A	A
Construction	A	A	A	A
Election Campaign	A	A	A	A
Garage/Yard Sale	A	A	A	A
Portable	N	A (g)	A	A
Real Estate	A	A	A	A
<u>Miscellaneous</u>				
Flags	A	A	A	A

- (a) Except for incidental signs, premises must contain a principal building in order to be permitted a sign.
- (b) Any commercial message is restricted to an activity legally conducted on the premises.
- (c) No commercial message allowed on sign.
- (d) Only address and/or name of occupant allowed on sign.
- (e) May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze or similar material.
- (f) The conditions of 17.40.120, 2 "Temporary Signs" apply.
- (g) Portable signs are allowed on the public sidewalk only in the B-1 district on the following conditions: with permission of abutting property owner, one sign per ground level occupant, max. 6 sq. ft. in size, allowed during business hours, may not obstruct pedestrians, and may not be illuminated. (Ord. 05OR006)

**Table 2 – NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS
BY SIGN TYPE**

--- = Not Applicable

	Number Allowed	Maximum Signage Area (sq. ft.)	Maximum Projection From Building	Vertical Clearance
Awning	---	25% of awning area	---	---
Building Marker	1 per street frontage	4	---	---
Canopy	---	25%(a)	---	---
Flags	---	(c)	---	---
Identification	1 per occupancy	2	---	---
Incidental (b)	As required	6	---	---
Projecting	1 per ground floor occupancy	16	5 ft.	8 ft.
Suspended	1 per ground floor occupancy	6	---	8 ft.
Wall	---	50 (B-1 district) 200 (B-2 district)	---	---
Window	---	25% of window area	---	---

(a) Of vertical surface of canopy.

(b) The following types of signs in commercial zones shall be considered incidental signs: drive-thru and similar restaurant menu boards; graphics that are an integral part of vending and similar types of machines; and illuminated 'open' signs in ground floor windows.

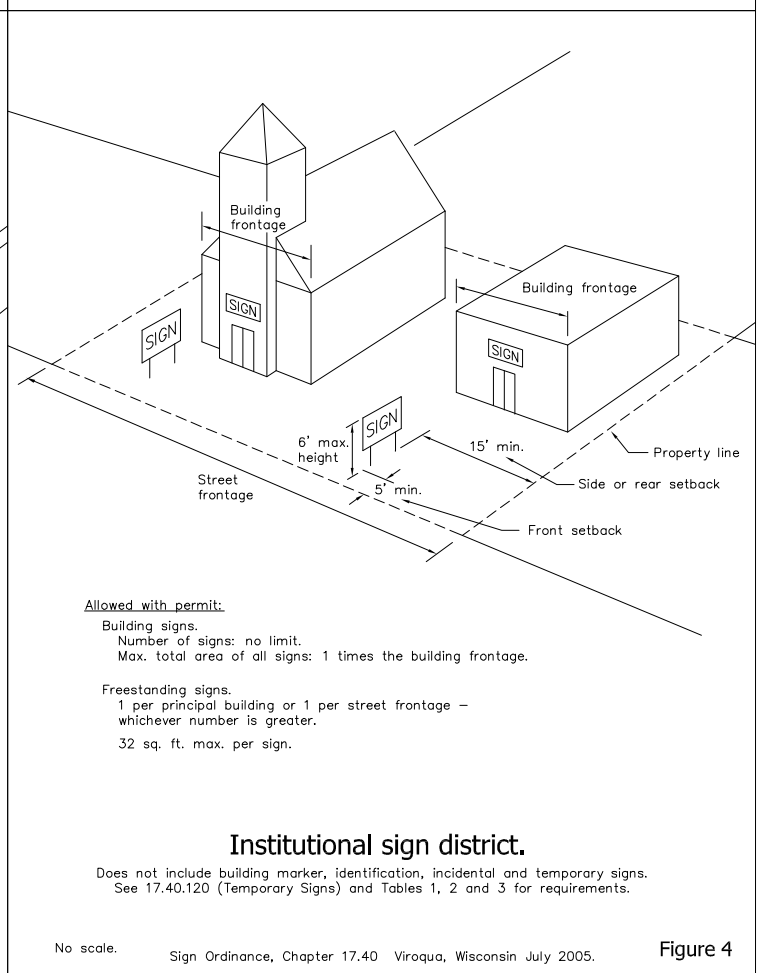
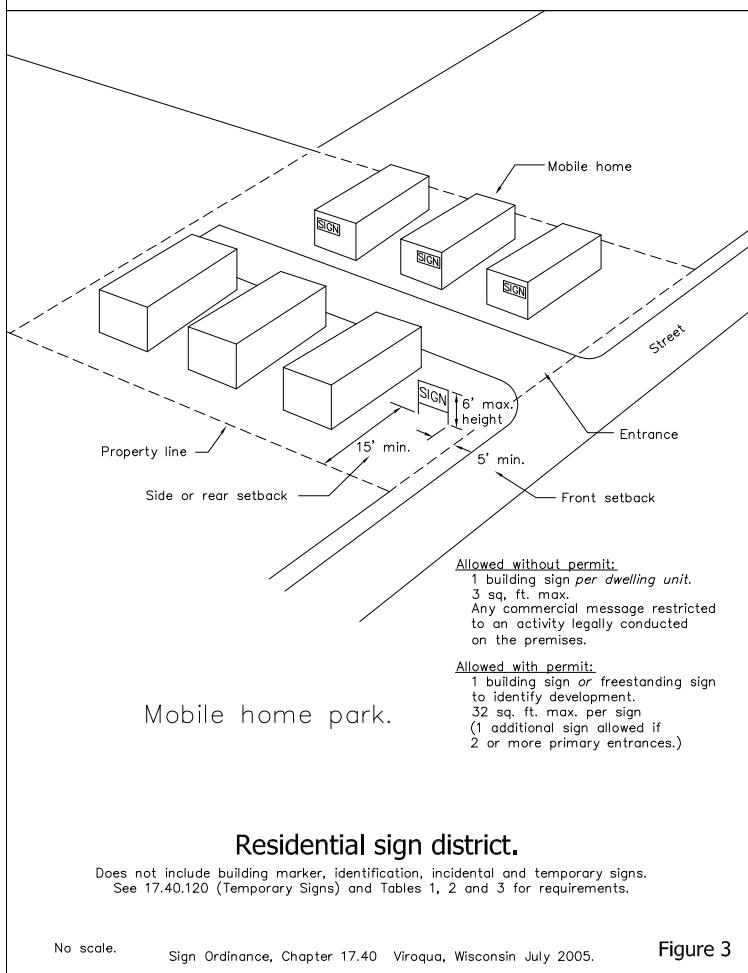
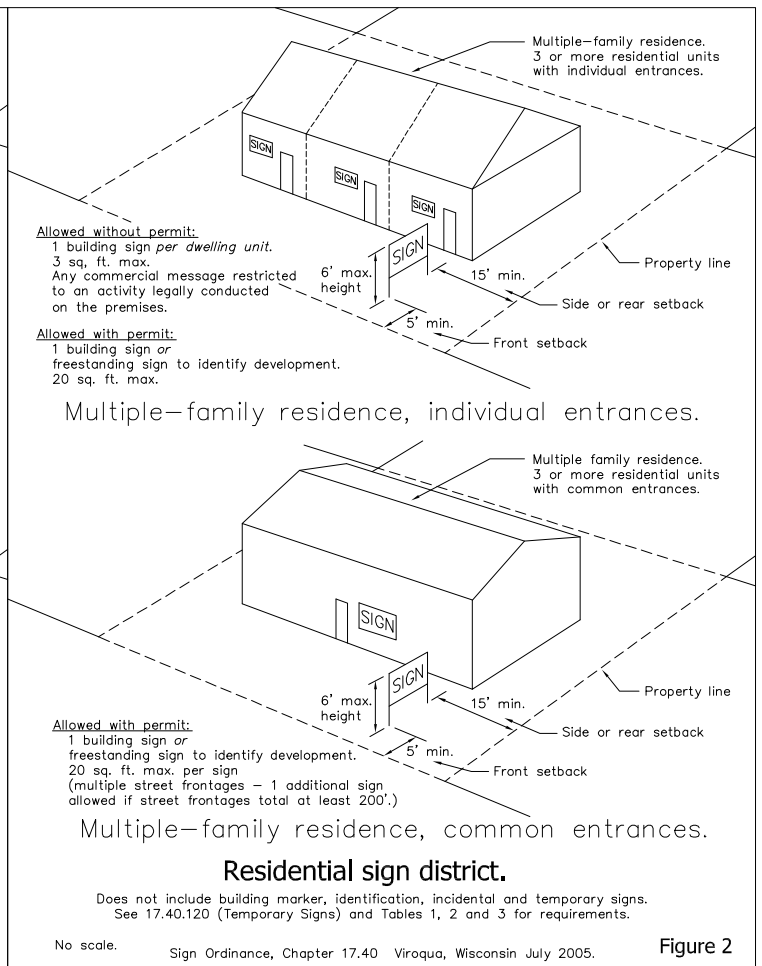
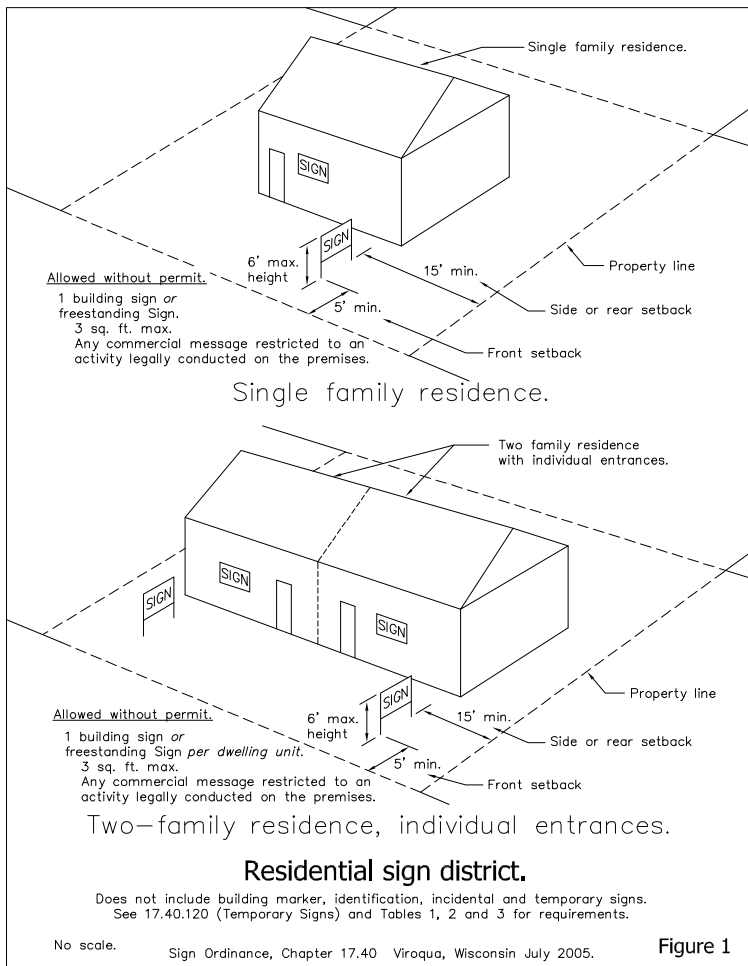
(c) Residential sign districts: Flags shall not exceed 24 sq. ft.. or be flown from a flagpole more than 25 ft. in height. Other sign districts: Flags shall not exceed 40 sq. ft. or be flown from a pole more than 40 ft. in height. (Ord. 05OR006)

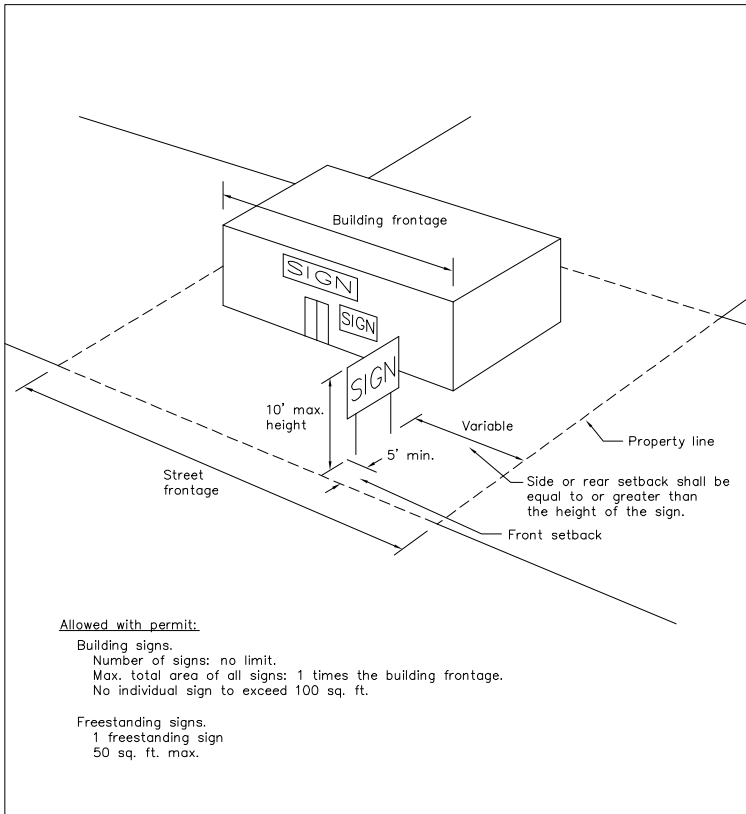
Table 3 – PERMITTED SIGN CHARACTERISTICS
BY SIGN DISTRICT

A = Allowed N = Not Allowed
(See Table 1 for permit requirements for signs)

	<u>Residential</u>	<u>Commercial/</u>	<u>Industrial</u>	<u>Institutional</u>
Changeable Copy	N	A (a)	A (a)	A (a)
Illumination, Internal	(b)	A	A	A
Illumination, External	(b)	A	A	A
Electronic variable message	N	A (d), (e)	A (d), (e)	A (d), (e)

- (a) Size of the Changeable Copy portion of a sign shall be limited to 25% of the entire sign, not including sign supports.
- (b) Illuminated signs are prohibited except for the following: Identification signs on residential dwelling units, signs identifying multiple dwelling developments and mobile home parks.
- (c) Signs within Commercial, Industrial and Institutional Areas require design review prior to the issuance of a sign permit. See 17.40.080 for design review guidelines. (Ord. 05OR006)
- (d) Size of the electronic variable message portion of a sign shall be limited to 25% of the entire sign, not including sign supports.
- (e) The provisions of section 17.40.170 ("Electronic Variable Message Signs") apply. (06OR011)

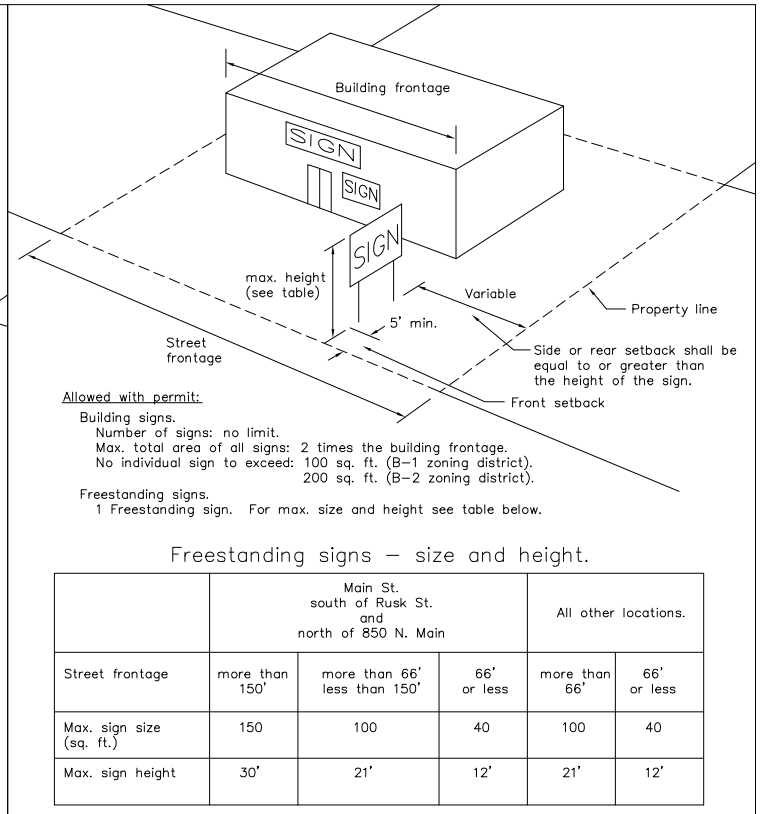




Industrial sign district.

Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

Figure 5



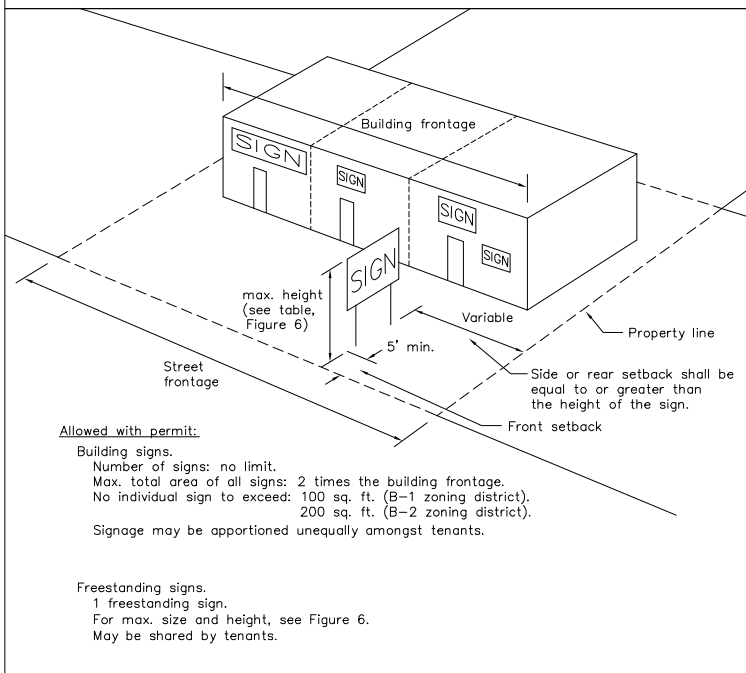
Freestanding signs – size and height.

	Main St. south of Rusk St. and north of 850 N. Main			All other locations.	
	more than 150'	more than 66' less than 150'	66' or less	more than 66'	66' or less
Street frontage					
Max. sign size (sq. ft.)	150	100	40	100	40
Max. sign height	30'	21'	12'	21'	12'

Commercial sign district.

Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

Figure 6

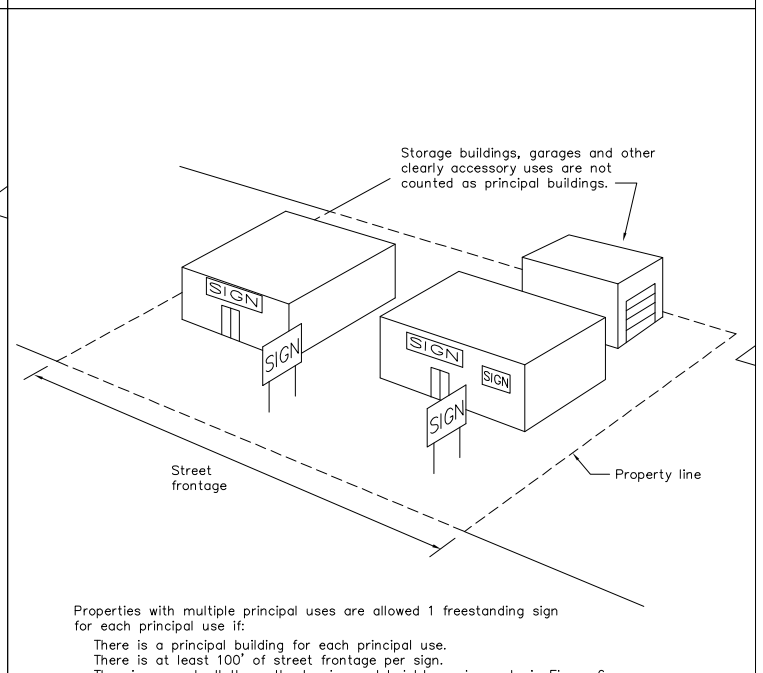


Multiple Occupancy.

Commercial sign district.

Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

Figure 7



Multiple Principal Uses.

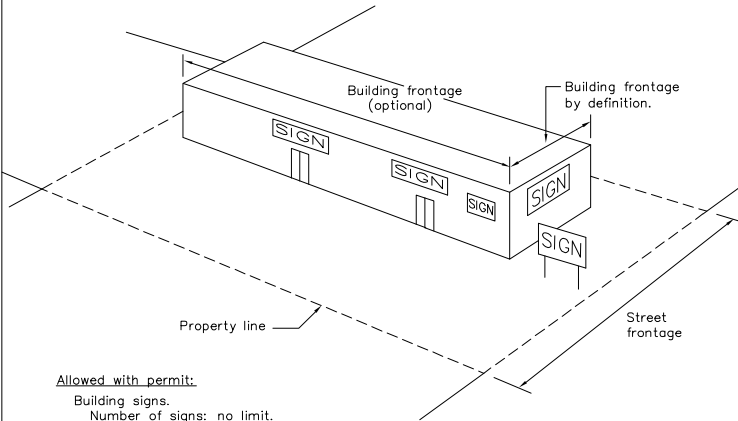
Commercial sign district.

Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

Figure 8

Building not oriented toward the street.

When the primary building entrance(s) are oriented away from the street, that side of the building may be designated as the building frontage to determine the maximum allowable building signage.



Allowed with permit:

Building signs.
 Number of signs: no limit.
 Max. total area of all signs: 2 times the building frontage.
 Up to 50% of the building signage may be transferred from the building frontage to other locations on the building.
 No individual sign to exceed: 100 sq. ft. (B-1 zoning district),
 200 sq. ft. (B-2 zoning district).

Freestanding signs.
 1 freestanding sign.
 For max. size and height, see Figure 6.

Non-highway oriented buildings.

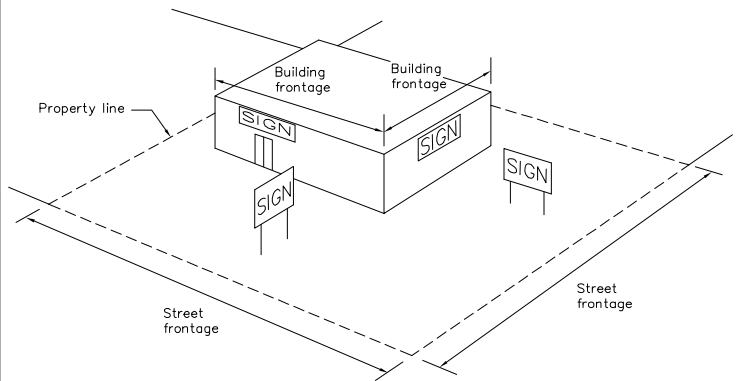
Commercial sign district.

Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

No scale. Sign Ordinance, Chapter 17.40 Viroqua, Wisconsin July 2005. **Figure 9**

Multiple street frontages.

Include all building frontages to determine allowable building signage.
 1 freestanding sign is allowed for each street frontage under some circumstances (see below).



Allowed with permit:

Building signs.
 Number of signs: no limit.
 Max. total area of all signs: 2 times the building frontage.
 Up to 25% of building signage is transferable from one building frontage to another, or to other locations on the building.
 No individual sign to exceed: 100 sq. ft. (B-1 zoning district),
 200 sq. ft. (B-2 zoning district).

Freestanding signs.
 1 per street frontage if street frontages total at least 200'.
 Sign must be oriented toward that street frontage.
 For max. size and height, see Figure 6.

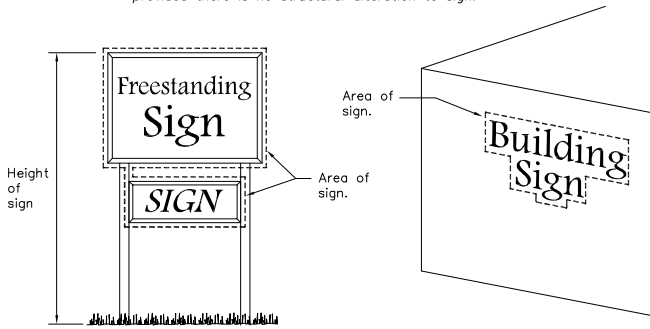
Multiple Street Frontages.

Commercial sign district.

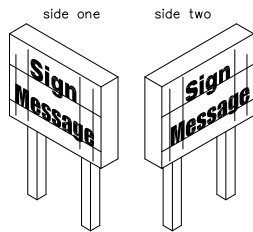
Does not include building marker, identification, incidental and temporary signs.
 See 17.40.120 (Temporary Signs) and Tables 1, 2 and 3 for requirements.

No scale. Sign Ordinance, Chapter 17.40 Viroqua, Wisconsin July 2005. **Figure 10**

Note: Change of copy to existing signs requires no permit, provided there is no structural alteration to sign.

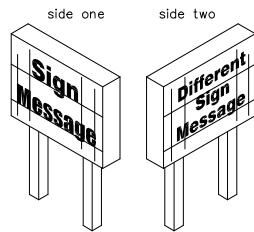


2 sides of a back to back sign.



Two sides are identical.
 Include only one side when measuring area of sign.

2 sides of a back to back sign.



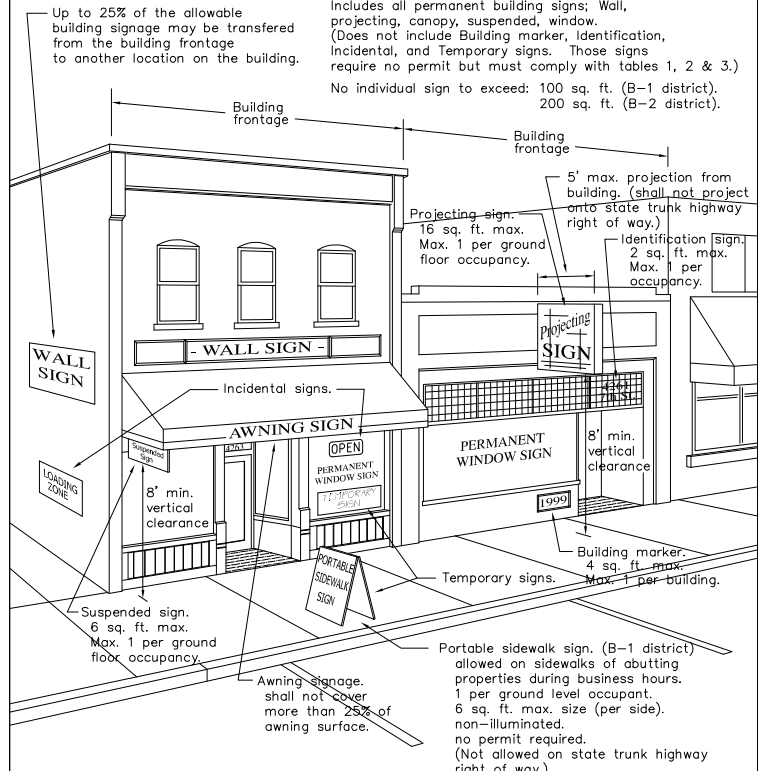
Two sides are not identical.
 Include both sides when measuring area of sign.

**Computation of sign area and height.
 (all sign districts)**

No scale. Sign Ordinance, Chapter 17.40 Viroqua, Wisconsin July 2005. **Figure 11**

Allowed with permit:

Building signs.
 Number of signs: no limit.
 Max. total area: 2 times the building frontage.
 Includes all permanent building signs: Wall, projecting, canopy, suspended, window.
 (Does not include Building marker, Identification, Incidental, and Temporary signs. Those signs require no permit but must comply with tables 1, 2 & 3.)
 No individual sign to exceed: 100 sq. ft. (B-1 district),
 200 sq. ft. (B-2 district).



Commercial sign district.

For design review requirements in Main Street Program area see 17.40.080.

No scale. Sign Ordinance, Chapter 17.40 Viroqua, Wisconsin July 2005. **Figure 12**

Chapter 17.42

AIRPORT AREA ZONING

Sections:

17.42.010	Statutory Authorization
17.42.020	Definitions
17.42.030	Airport zones
17.42.040	Nonconforming uses
17.42.050	Airport Zone Height Limitations
17.42.060	Permits
17.42.070	Administration
17.42.080	Board of Appeals
17.42.090	Appeals and Review
17.42.100	Penalties

17.42.010 Statutory Authorization. This ordinance is adopted pursuant to Section 114.136, Wisconsin Statutes.

17.42.020 Definitions. As used in this ordinance, unless the context otherwise requires:

- a. "Airport" means the Viroqua Municipal Airport located in the City of Viroqua, Vernon County, Wisconsin.
- b. "Nonconforming use" means any structure which does not conform to the provisions of this ordinance or an amendment thereto, as of the effective date of this ordinance.
- c. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assigned, or other similar representative thereof.
- d. "Structure" means any object, including a mobile object, constructed, installed or located by a person.
- e. "Height" means the elevation above Mean Sea Level of the top of the structure, including any appurtenance installed thereon.
- f. "Permit" means written permission from the City of Viroqua on a form provided by the municipality stating that the proposed structure site either conforms to the Height Limitation Zoning Ordinance or has been granted a variance, pursuant to Section 17.42.060 of this ordinance.

17.42.030. Airport Zones. All zones established by this section are as shown on the map dated 11-07-07 entitled, "Height Limitation Zoning Map", Viroqua Municipal Airport, Vernon County, Wisconsin. (Ord 08OR010)

17.42.040. Nonconforming Uses. a. Not Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any non conforming use, except as otherwise provided by section 17.42.060. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.

b. Removal by Purchase. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

17.42.050 . Airport Zone Height Limitations. No objects of natural growth are permitted and no structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in Section 17.42.030 of this Ordinance, except legal fences and farm crops which are cut at least once each year. Any such objects of natural growth and structure constructed, altered or located in violation of this ordinance shall be removed at the owner's expense. (Ord 08OR010)

17.42.060 0. Permits. a. Future Uses. No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by Section 17.42.030 of this ordinance until the owner or his/her agent shall have applied in writing and obtained a permit from the zoning administrator. Application for such permit shall indicate the purpose for which the permit is desired, with sufficient information to permit the zoning administrator to determine whether such structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

b. Existing Uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in Section 17.42.060 (a) authorizing such change, replacement or repair. Such permit shall be granted if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.

c. Exemptions. Permits are not required for structures which are less than thirty-five (35) feet in height above ground level at the structure site.

d. Posting. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.

e. Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant a variance from the terms of this ordinance. Such variance shall not be contrary to the public interest or create a hazard to the safe, normal operation of aircraft.

17.42.070. Administration. It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made on a form provided by the zoning administrator. Applications for permits shall be granted or denied within 30 days of the date of filing. Applications for variances shall include evidence of Federal Aviation Administration review of the proposed construction (FAA form 7460 -1 "Notice of Proposed Construction"). Appeals shall be transmitted by the zoning administrator to the Board of Appeals for hearing and decision. There shall be no charge for applications or permits.

17.42.080. Board of Appeals . The Board of Appeals created by section 17.12.030 shall hear and decide appeals under this ordinance.

17.42.090. Appeals and Review. a. Aggrieved Person. Any person aggrieved or affected by any decision or action of the zoning administrator made in the administration of this ordinance may appeal such decision or action to the Board of Appeals.

b. Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by the applicable Wisconsin statutes.

17.42.100 Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days for each violation. Each day that a violation continues shall constitute a separate offense.

Chapter 17.44

HISTORIC PRESERVATION

17.44.010 Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- B. Safeguard the city's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Foster civic pride in the notable accomplishments of the past.
- D. Stabilize and improve property values.
- E. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- F. Improve and enhance the visual and aesthetic character of the city.
- G. Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.

17.44.020 Definitions. The definitions shall be as follows: A. Certificate of Appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

B. Commission means the historic preservation commission created under this section.

C. Historic district is an area designated by the Common Council on recommendation of the commission, that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such historic structures or historic sites.

D. Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting a part of the premises on which the historic structure is situated.

E. Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

F. Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

G. Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

17.44.030 Historic Preservation Commission Composition: The Historic Preservation Commission shall consist of not less than seven (7) and not more than eleven (11) members. Attendance by four (4) or more members shall constitute a quorum. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and at least three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three years. The office of a commissioner who is absent from three (3) meetings in any twelve (12) month period, without the prior excuse of the Chair, shall be vacant upon the Commission's decision. [Ord. 498, 1999; 06OR009]

17.44.040 Historic Structure, Historic Site and Historic District Designation Criteria.

A. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archaeological or cultural significance to the City such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
2. Are identified with historic personages or with important events in national, state or local history; or

3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

4. Are representative of the notable work of a master builder, designer or architect who influenced his or her age; or

5. Have yielded, or may be likely to yield, information important to prehistory or history.

B. The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

17.44.050 Powers and Duties

A. Designation . The commission shall have the power subject to section 17.44.060, to recommend designation of historic structures, sites, and districts within the City limits. Such designations shall be made based on section 17.44.040. Historic structures, sites, and districts as recommended shall require approval by the Common Council. Once designated and approved, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.

B. Regulation of Construction, Reconstruction, alteration and Demolition.

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

2. Upon filing of any application for a Certificate of appropriateness with the commission, the commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;

e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;

f. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

Provided, however, that the commission shall approve the application if, in case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property.

3. In addition, in determining whether to issue a Certificate of Appropriateness, the commission shall consider and may give decisive weight to any or all of the following standards:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. If the commission determines that the application for a certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, and with the above guidelines, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The commission shall make this decision within forty-five (45) days of the filing of the application.

5. Agencies of the city and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the city.

6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the city shall apply, unless waived by the appropriate state or city officials. The commission may support or propose such waivers before the appropriate state or city appeals body.

7. Compliance, with Certificates of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

8. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with piece identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

C. Appeals. Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

D. Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the commission may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission.

E. Other Duties. In addition to those duties already specified in this section, the commission shall:

1. Work for the continuing education of the citizens about the historical heritage of this city and the historic properties designated under the provision of this section.

2. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.

3. As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

17.44.060 Procedures.

A. Designation of Historic Structures and Historic Sites

1. The commission may, after notice and public hearing, designate historic structures and historic sites, subject to Council approval, or rescind such designation or recommendation, subject to Council approval, after application of the criteria in section 17.44.040. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as Class 1 Notice, under the Wisconsin Statutes. The commission shall also notify the following: Department of Public Works, Redevelopment authority, Parks Division, Fire and Police Departments, Health Department, building Inspection Division, and Plan commission. Each such department may respond to the commission with its comments on the proposed designation or rescission.

2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the designation, subject to Council approval. After the designation or rescission has been made and approved by the Council, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, building Inspection division, Plan Commission, and the City Assessor. The commission shall cause the designation or rescission, upon Council approval, to be recorded, at city expense, in the County Register of Deeds office.

B. Designation of Historic Districts.

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the city to be designated as Historic Districts and shall, with the assistance of the City Planning Department, prepare a historic preservation plan in ordinance form for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the city which:

a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or

b. Is identified with historic personages or with important events in national, state or local history; or

c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or of indigenous materials or craftsmanship; or

d. Is representative of the notable works of master builders, designers, or architects who influenced their age.

e. Has yielded, or may be likely to yield, information important to history or prehistory.

Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

2. Guideline criteria to be considered in the development of Historic District plans are as follows:

a. Regulation of construction, reconstruction, alteration and demolition shall conform to the criteria and standards in Section 17.44.050 B.I., 2., and 3.

b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.

c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.

e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.

f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.

g. The existing rhythm created by existing building masses and spaces between them should be preserved.

h. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.

i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.

k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

3. Review and Adoption Procedure. a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderman of the aldermanic District or districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Plan Commission and the Common Council.

b. The City Plan Commission. The Plan Commission shall review the Historic District plan and make a recommendation to the Common council. The Plan Commission shall make its recommendation on the Historic District plan within thirty (30) days.

c. The Common Council. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

17.44.070 Interim Control. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

17.44.080 Conformance with Regulations. A. Every person in charge of a historic structure, historic site or improvement in a Historic District shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The City Council may appoint the building inspector or any other individual or group of individuals to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the City Council of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to s. 66.122, Wis. Stats., and take any other reasonable measures to further enforcement of this ordinance.

B. Every person in charge of an improvement on a historic site or in a Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of external chimneys.
4. the deterioration or crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes, and other forms of decay;
7. The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
8. The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.

9. All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

C. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district, designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

17.44.090 Penalties for Violations. Any person or persons violating any provision of this section shall be fined two hundred dollars (\$200) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector. If the violations remain uncorrected after the time specified in the notice, the city may, at its election, impose fines and/or have the violations corrected at city expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

17.44.100 Emergency Conditions. In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, the building inspector may order the remedying of these conditions without the approval of the commission. The building inspector shall promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this ordinance and to use the design guidelines of the commission when remedying the emergency conditions.

17.44.110 Separability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord 458, 1995)

TABLES
OF ORDINANCES ADOPTED

Ordinance

Number:

- 1 Construction and interpretation of ordinances (Repealed by 278)
- 2 Prohibits immoral acts, gaming devices (Repealed by 282)
- 3 Prohibits gambling (9.04)
- 4 Prohibits cruelty to animals (6.12)
- 5 Licenses certain amusements and hacks to fairgrounds (Repealed by 282)
- 6 Prohibits disturbing the peace (9.16)
- 7 Designates jail term for nonpayment of fines (Repealed by 281)
- 8 Prohibits playing ball in the streets, bicycles on the sidewalk, and discharging firearms within the city (9.24)
- 9 Owner or occupant to keep streets and sidewalks clean and free of snow and ice (12.12)
- 10 Prohibits injuring public trees (12.20)
- 11 Prohibits obstructing streets; restricts speed of animals on streets (12.12)
- 12 Curfew for minors (Repealed by 282)
- 13 Accepts grant; levies tax for library (Special)
- 14 Prohibits acts offensive to the public health; establishes board of health (Repealed by 282)
- 15 Sidewalk construction (Special)
- 16 Franchise (Special)
- 17 Franchise (Special)
- 18 Franchise (Special)
- 19 Franchise (Special)
- 20 Franchise (Special)
- 21 Sets election times, terms of office (2.36)
- 22 Railroad right-of-way (Special)
- 23 Franchise (Special)
- 24 License to move buildings (15.32)
- 25 Property acquisition (Special)
- 26 Establishes cemetery trust (3.16)
- 27 Licenses billiard tables (Repealed by 282)
- 28 Prohibits large animals in the city (9.08)
- 29 Licenses transient merchants (Repealed by 282)
- 30 Regulates motor vehicles (Repealed by 282)
- 31 Designates labor of prisoners (Repealed by 282)
- 32 Prohibits littering (Repealed by 282)
- 33 Establishes board of park commissioners (2.20)
- 34 Prohibits obstructing view in restaurants (5.40)
- 35 Designates numbering of buildings (12.24)
- 36 Establishes city plan commission (Repealed by 282)
- 37 Franchise (Special)