

## CHAPTER 155: ZONING CODE

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**GENERAL PROVISIONS****§ 155.001 TITLE.**

This chapter shall be known as the City of Alma Comprehensive Zoning Code of 1989.  
(Ord. 134, passed 8-7-89)

**§ 155.002 AUTHORITY.**

In accordance with the authority granted by Wis. Stats. § 62.23, the city ordains these zoning regulations.  
(Ord. 134, passed 8-7-89)

**§ 155.003 PURPOSE.**

The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, and general welfare of the city.  
(Ord. 134, passed 8-7-89)

**§ 155.004 INTENT.**

It is the general intent of this chapter to:

(A) Regulate and restrict the lot size and the use of all structures, lands, and surface waters;

(B) Regulate and restrict lot coverage, population distribution, and density;

(C) Regulate the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;

(D) Secure safety from fire, flooding, panic, and other dangers;

(E) Provide adequate light, air, sanitation, and drainage;

(F) Prevent overcrowding;

(G) Avoid undue population concentration;

(H) Facilitate the adequate provision of public facilities and utilities;

(I) Stabilize and protect property values;

(J) Further the appropriate use of land and conservation of natural resources and preserve and promote the beauty of the community; and

(K) Implement the community's general plan components.

(L) It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Ord. 134, passed 8-7-89)

**§ 155.005 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE OR STRUCTURE.** A use or structure subordinate to the principal use of a structure, land, or water and located on the same lot serving a purpose customarily incidental to the principal use or the principal structure. No accessory use or structure may be placed or used on a lot until the principal structure is present or under construction, except in connection with construction or development as provided in § 155.062 of this chapter.

**ALLEY.** A special public right-of-way affording only secondary access to abutting properties.

**BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

**BUILDING.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

**BUILDING HEIGHT.** The vertical distance from the average grade level in front of the lot to the highest point of the building's roof.

**CAMPER TRAILER.** A vehicle designed for human habitation and either towed upon a highway by a motor vehicle or capable of self-propulsion without any attachments, such as stairs, porches, or foundations and not connected to any utility, such as water, sanitary disposal, or electricity except for electrical connection by temporary means, such as an extension cord, and no larger than 400 square feet and used as temporary living quarters.

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

**DWELLING.** A detached building designed for use exclusively as a residence or sleeping place, including a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, cabins, camping trailers, or mobile homes.

**DWELLING UNIT.** One or more rooms designed as a unit for occupancy by not more than one family for living purposes.

**ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and TV cables to serve individual lots, communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**FAMILY.** Any number of persons related by blood, adoption, or marriage not to exceed four persons not so related, living together in one dwelling as a single housekeeping entity.

**FLOODPLAIN.** Land adjacent to a body of water which has been or may be hereafter covered by floods including, but not limited to the regional flood.

**FRONT YARD.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

**FRONTAGE.** The smallest dimension of a lot abutting a public street measured along the street line.

**GARAGE, PRIVATE.** Any accessory building or portion of a main building on the same lot as the main building and used for the parking or storage of not more than three motor vehicles per dwelling unit and not exceeding 30 by 36 feet in size, with side walls which do not exceed ten feet in height.

**GARAGE, PUBLIC.** Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold, or stored.

**HOME OCCUPATION.** A gainful occupation conducted in a place of residence only by members of the family living in the residence. Not more than 25 % of the dwelling floor area shall be devoted to the business.

**JUNK YARD.** An area consisting of buildings, structures, or premises where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment yards, but not including the purchase of used furniture and household equipment or used cars in operable condition.

**LIVING AREA.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

**LIVING ROOMS.** All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

**LOADING AREA.** A complete off-street space or berth on the same lot for the loading and unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LOT.** A contiguous parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter. Two parcels which are entirely separated from each other by a public street or alley are not contiguous.

**LOT LINES AND AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**LOT WIDTH.** The width of a parcel of land measured at the rear of the specified street yard.

**MANUFACTURED HOME.** A structure which is:

- (1) Intended for use as a dwelling;
- (2) Constructed after June 15, 1976; and

(3) Is set off its wheels and set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), and Subchapter II - Excavations and Subchapter IV - Footings, and of the Wisconsin Administrative Code, Ch. ILHR 21, Subchapter V - Foundation or is set on a comparable enclosed foundation system approved by the City Zoning Committee. The City Zoning Committee may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;

(4) Is installed in accordance with the manufacturer's instructions;

(5) Is on land owned by the owner of the structure.

**MOBILE HOMES.** That which is, or was as 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, attachments, annexes, foundations, and appurtenances, and not otherwise meeting the definition of a manufactured home or a camping trailer.

**MOTEL.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

**NONCONFORMING USES OR STRUCTURES.** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure confirming in

respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a **NON-CONFORMING STRUCTURE** and not a **NONCONFORMING USE**.

**OPEN FENCE.** A fence which obstructs vision through the fence 50% or less when viewed from a right angle to the line of the fence.

**PARKING SPACE.** A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**PARTIES IN INTEREST.** Includes all abutting property owners, all property owners within 100 feet in all directions and all property owners of opposite frontage.

**REAR YARD.** A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building.

**SETBACK.** The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

**SIDE YARD.** A yard between the main building and side lot line, extending from the front yard or front lot line where no front yard is required to the rear yard. The width of the required side yard is measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

**STRUCTURE.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, and driveways (both paved and unpaved) except such terms shall not include the following:

- (1) Open fences less than four feet in height;
- (2) Retaining walls less than two feet in height.

**TURNING LANES.** An existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.

**TRAILERS.** A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

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

**YARD.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot. (Ord. 134, passed 8-7-89; Am. Ord. 134A, passed 9-9-91; Am. Ord. 134C, passed 9-3-98; Am. Ord. 134D, passed 8-5-99)

#### **§ 155.006 ABROGATION AND GREATER RESTRICTIONS.**

This chapter shall not repeal, impair, or modify private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use. (Ord. 134, passed 8-7-89)

#### **§ 155.007 INTERPRETATION.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power by the Wisconsin Statutes. (Ord. 134, passed 8-7-89)



**§ 155.008 JURISDICTION.**

The provisions of this chapter shall apply to all the land and water area within the corporate limits of the city.

(Ord. 134, passed 8-7-89)

**§ 155.009 FEES.**

(A) The following nonrefundable application fees shall be submitted with the application:

- (1) Zoning permit: \$5.
- (2) Conditional use permit: \$450.
- (3) Variance: \$275.
- (4) Amendment to map or ordinance:

\$60.

(B) An application properly submitted for a zoning permit, variance or conditional use permit from this chapter, or change in the land use maps shall be accompanied by a fee which is not refundable in the event the variance or conditional use is or is not granted by the Board of Appeals or the Common Council.

(C) If work is started before a permit required by this chapter is applied for, the application fee for the permit shall be \$65 plus three times the normal application fee set forth in this chapter. Payment of such triple fee plus \$65 shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(Ord. 134, passed 8-7-89; Am. Ord. 134A, passed 9-9-81; Am. Ord. 134D, passed 8-5-99; Am. Ord. 134E, passed 9-4-08)

**ZONING DISTRICTS AND MAPS****§ 155.020 ZONING DISTRICTS.**

Eleven zoning districts are provided as follows:

(A) Residence District (R-1): sewer and water;

(B) Residence District (R-2): sewer and no water;

(C) Residence District (R-3) : sewer and water-small lots;

(D) Residence District (R-4): no sewer and no water;

(E) Business District (B);

(F) Residence-Restricted Commercial Use District (R-RC);

(G) Industrial District (I);

(H) Industrial - Restricted Use District (I-R);

(I) Agricultural District (A);

(J) Planned Unit Development District (P); and

(K) Conservancy District (C).

(Ord. 134, passed 8-7-89)

**§ 155.021 ZONING MAP.**

(A) (1) The official zoning district map is an integral part of this chapter. The single official copy of this map entitled "City of Alma Official Zoning District Map," together with a copy of this chapter, shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and

until a duly certified and attested certificate describing the change is filed with the map.

(2) The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, the street or alley line shall be construed to be the district boundary line.

(3) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, the lot lines shall be construed to be the boundary of the district.

(4) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

(B) The Official Zoning Map and the ordinance for public inspection are on file at the City Clerk's office.

(Ord. 134, passed 8-7-89)

#### **§ 155.022 RESIDENCE DISTRICT (R-1): SEWER AND WATER.**

(A) *Purpose.* The R-1 District is intended to provide a quiet, pleasant living area protected from traffic congestion and in compatible land uses.

(B) *Uses.* The following uses of land are permitted:

(1) *Permitted uses.*

(a) One unit dwellings, including accessory uses and structures such as a private garage;

(b) Customary home occupations;

(c) Public parks and playgrounds;

(d) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance;

(e) Essential services.

(2) *Conditional uses.*

(a) Two or more unit dwellings, including accessory uses and structures such as a private garage, with one off-street parking space per unit;

(b) Mobile homes provided their location is approved and a license granted by the Common Council following a public hearing and a recommendation from the City Planning Commission;

(c) Churches, schools, libraries, hospitals, community centers, water storage facilities, utility service structures, cemeteries, and medical and dental facilities;

(d) Municipal office buildings;

(e) Telephone and power utility switching buildings and stations; microwave and radio towers;

(f) Mobile home parks;

(g) Any permitted use in the (B) District.

(Ord. 134, passed 8-7-89; Am. Ord. 134D, passed 8-5-99)

#### **§ 155.023 RESIDENCE DISTRICT (R-2): SEWER AND NO WATER.**

(A) *Purpose.* The R-2 District is intended to provide a quiet, pleasant living area protected from traffic hazards and intrusion of incompatible land uses.

(B) *Uses.* The following uses are permitted:

(1) *Permitted uses.* Same as R-1 District.

(2) *Conditional uses.* Same as R-1 District.  
(Ord. 134, passed 8-7-89)

**§ 155.024 RESIDENCE DISTRICT (R-3):  
SEWER AND WATER, SMALL LOTS.**

(A) *Purpose.* The R-3 District is intended to provide a residential living area in the older portion of the city characterized by small lots and large buildings. Harmonious living conditions are dependent upon land forms and landscaping as well as building arrangements.

(B) *Uses.* The following uses of land are permitted:

(1) *Permitted uses.* Same as R-1 District.

(2) *Conditional uses.* Same as R-1 District.  
(Ord. 134, passed 8-7-89)

**§ 155.025 RESIDENCE DISTRICT (R-4): NO  
SEWER AND WATER.**

(A) *Purpose.* The R-4 District is intended to provide a quiet, pleasant living area protected from traffic hazards and intrusion of incompatible land uses.

(B) *Uses.*

(1) *Permitted uses.* Same as R-1 District.

(2) *Conditional uses.* Same as R-1 District.  
(Ord. 134, passed 8-7-89)

**§ 155.026 BUSINESS DISTRICT (B).**

(A) *Purpose.* The B District is intended to provide an area for the business and commercial needs of the city.

(B) *Uses.*

(1) *Permitted uses.*

(a) Appliance dealers;

(b) Art, craft, jewelry and notions shops;

(c) Bakeries (retail) and candy, confectionery and ice cream stores;

(d) Barber shops, beauty parlors, and other personal businesses or repair services (non-automotive);

(e) Banks and other financial institutions;

(f) Offices including clinics (medical) and other professional offices, real estate, insurance utilities, telephone and telegraph offices, and post offices;

(g) Clothing and dry goods stores;

(h) Drug stores and pharmacies;

(i) Florist shops;

(j) Retail fruit, vegetable, meat and fish markets, grocery stores, delicatessens, supermarkets, food lockers, funeral homes, laundries, and optical shops;

(k) Furniture, hardware, and department stores;

(l) Hotels, motels, motor lodges, and inns;

(m) Liquor stores, lunchrooms, cafes, and restaurants;

(n) Music, radio and television stores;



- (o) Newsstands and soda fountains;
- (p) Parking lots;
- (q) Photography studios;
- (r) Sport shops;
- (s) Temporary structures;
- (t) Variety stores;
- (u) Clubs, fraternal organizations, and lodges;
- (v) Drive-in establishments serving food or beverages for consumption on the premises;
- (w) Vehicle sales, service, washing and repair stations, and garages. All gasoline pumps are to be at least 12 feet from an existing or proposed street line;
- (x) Automotive and farm implement sales and service;
- (y) Seed, feed, and farm supply sales;
- (z) Uses clearly similar in character or customarily incident to any of the above;
- (aa) Residential use of portions of buildings whose major use is commercial.

(2) *Conditional uses.* One unit dwellings.  
(Ord. 134, passed 8-7-89)

#### **§ 155.027 RESIDENCE-RESTRICTED COMMERCIAL USE DISTRICT (R-RC).**

(A) *Permitted uses.* Same as R-1 District.

(B) *Conditional uses.* Same as permitted uses in B District.  
(Ord. 134, passed 8-7-89)

#### **§ 155.028 INDUSTRIAL DISTRICT (I).**

(A) *Purpose.* The I District provides land for all industrial uses including those industries which normally include the use of heavy machinery and may require outdoor storage areas for raw materials and/or finished products, provided such storage is enclosed by a suitable screening fence.

(B) *Permitted uses.* None.

(C) *Conditional uses.* Residential, commercial, and public uses except that a dwelling unit may be provided for a caretaker or superintendent if the industrial use requires constant supervision.

(Ord. 134, passed 8-7-89)

#### **§ 155.029 INDUSTRIAL RESTRICTED USE DISTRICT (IR).**

The Industrial Restricted Use District will allow industrial development only after proper application, public notice, public hearing by the Common Council and official action allowing for a specific use in the Industrial Restricted Use District as stated on the application.

(Ord. 134, passed 8-7-89)

#### **§ 155.030 AGRICULTURAL DISTRICT (A).**

(A) *Purpose.* The Agricultural District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines).

(B) *Permitted uses.*

(1) Farming and dairying provided that buildings in which farm animals are kept shall be at least 200 feet from the nearest residential or business

district, except for owners and employees of the farm enterprise.

(2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, and truck farming;

(3) In-season removable roadside stands for the sale of farm products produced on the premises and up to two unlighted signs not larger than 20 square feet each advertising such sale. Stand and signs shall be removed at the end of the seasonal sale period.

(4) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards are permitted but only with written permission of the Common Council on the recommendations of the Planning Commission.

(5) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(6) Mobile homes, provided that only one mobile home will be permitted in conjunction with an established farmstead and that the occupant of said mobile home must be employed on the farm.

(7) Utility service lines for telephone, electricity, and television cable and their necessary utility appurtenances.

*(C) Conditional uses.*

(1) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, water storage and sewage disposal facilities and power stations (provided they are enclosed by an eight-foot or higher protective fence), golf course, seasonal campgrounds, sports clubs, archery and gun ranges, and trap ranges.

(2) Single family residences subject to conditions of the R-4 District.

(3) Dumping grounds, sanitary landfill, and related operations provided sufficient setback, screening and protective fencing are provided. Applicable Natural Resources Codes shall apply.

(4) Recreational uses: trailer parks, campgrounds and camping, conservation clubs, gun ranges. Retail sales of goods and services incidental to outdoor recreation. Individual items sold shall not exceed \$50 cost.

(5) All permitted and conditional uses allowed in the B District.

(6) Mobile homes: not more than two conditional use permits may be granted per 40 acre parcel for this use except by granting of a variance to this requirement by the Board of Adjustment. (Ord. 134, passed 8-7-89; Am. Ord. 134C, passed 9-3-98)

**§ 155.031 PLANNED UNIT DEVELOPMENT DISTRICT (P).**

The District is intended to provide for higher density residential development (not including mobile home developments). This district shall have no definite and measurable boundaries until such are approved by the Common Council on the recommendations of the City Planning Commission in accordance with procedures prescribed for zoning amendments by Wis. Stats. § 62.23. (Ord. 134, passed 8-7-89)

**§ 155.032 CONSERVANCY DISTRICT (C).**

(A) (1) The District is intended to delineate those areas where substantial development of the land in the form of buildings or structures is prohibited due to:

(a) Special or unusual conditions of topography, drainage, floodplain, or other natural conditions, whereby considerable damage to buildings "or structures" natural and possible loss of life may occur due to the processes of nature.

(b) The lack of proper facilities or improvements resulting in the land not being suitable for improvement at the present time.

(2) The district is intended to delineate areas subject to flooding by adjacent lakes or streams and deemed unsuitable for development.

(3) The district is intended to preserve and protect the scenic, historic, scientific, and biologically important areas and to protect the groundwater sources.

(B) *Permitted uses.* Soil and water conservation, forestry under professional guidance, floodplain, wildlife habitat, public park and campground, cemetery, drainage, water measurement and water control facilities, grazing under professional guidance, accessory structures such as park buildings, orchards, utilities and wild crop harvesting and city park land.

(C) *Conditional uses.* Recreational uses: trailer parks, campground and camping. Retail sales of goods and services incidental to outdoor recreation.

(D) *Prohibited uses.* No structures permitted except those housing essential services accessory to the permitted or conditional uses. Uses involving the dumping, filling, cultivation, mineral, soil or peat removal or any other use that would disturb the natural fauna, flora, water courses, water regimen, natural landform, or topography.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

#### **SITE RESTRICTIONS**

##### **§ 155.045 PHYSICAL CHARACTERISTICS.**

(A) No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated run-off, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other

feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community.

(B) A zoning permit otherwise proper under this chapter may be denied under the section by the Zoning Committee based on such particular physical characteristics of the land described in the application.

(C) The City Zoning Committee, in applying the provisions of this section, shall in writing decide the particular facts upon which basis its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. Thereafter, the City Zoning Committee may reaffirm, modify, or withdraw its determination of unsuitability.  
(Ord. 142, passed 8-7-89) Penalty, see § 155.999

##### **§ 155.046 MINIMUM LOT SIZE, SETBACK, LOT COVERAGE, AND BUILDING HEIGHT.**

No land shall be used or structure erected unless minimum lot size, setback, lot coverage, and building limits in the Appendix to this chapter are observed.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

##### **§ 155.047 PARKING.**

(A) No land shall be used or structure erected unless off-street parking as required by the Appendix of this chapter is provided.

(B) Parking requirements do not apply in the B District bounded by Dairyland Street on the South and Sunset Drive - Riverview Drive on the North.

(C) Parking may be provided on-site or on an adjacent lot, or the equivalent improved space may be donated to the city for a municipal parking lot subject to approval by the Council.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**§ 155.048 STREET ACCESS.**

(A) All lots shall abut upon a public street, and each lot shall have a minimum street frontage as described for each zoning district, subject to the exception found in § 154.069(C).

(B) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured, subject to the exception found in § 154.069(C).

(Ord. 134, passed 8-7-89; Am. Ord. 142B, passed 11-5-07) Penalty, see § 155.999

**§ 155.049 VISION TRIANGLE.**

In each quadrant of every street intersection there shall be designated a vision clearance triangle bounded where the traveled portion of the streets meet and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above a height of two and one-half feet above the street if it obstructs the view across the triangle. This section shall not apply to tree trunks, posts, or wire fences. (Ord. 134, passed 8-7-89) Penalty, see § 155.999

**§ 155.050 PRIVATE WATER AND SEWER.**

Private sewer and water in any district where a public water supply or public sewage service is not available shall be developed and maintained in compliance with the Wisconsin Administrative Code, including any lot dimensions and area requirements provided therein.

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**USE RESTRICTIONS****§ 155.060 GENERAL.**

The use restrictions and regulations set forth in this subchapter shall apply.  
(Ord. 134, passed 8-7-89)

**§ 155.061 PRINCIPAL USE.**

Only those principal uses specified for a district and their essential services shall be permitted in that district.

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**§ 155.062 ACCESSORY USE.**

(A) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction, except as provided herein.

(B) The Common Council may grant a temporary special permit for not more than three months for such things as a construction shed to be used in connection with the construction or development of the principal use or structure.

(C) Accessory buildings shall not occupy more than the prescribed required area for the rear yard. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.  
(Ord. 134, passed 8-7-89; Am. Ord. 134D, passed 8-5-99) Penalty, see § 155.999

**§ 155.063 CONDITIONAL USES.**

Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Common Council.  
(Ord. 134, passed 8-7-89)

**§ 155.064 UNCLASSIFIED OR UNSPECIFIED  
USES.**

Unclassified or unspecified uses may be permitted by the Board of Appeals after the City Zoning Committee has made a review and recommendation, provided that such uses are similar in character to the permitted or conditional uses allowed in the district.

(Ord. 134, passed 8-7-89)



**§ 155.065 TEMPORARY USES.**

Temporary uses, such as real estate sales, field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator but reviewable by the City Zoning Committee. (Ord. 134, passed 8-7-89)

**§ 155.066 MINIMUM STANDARDS FOR DWELLINGS.**

In order to promote aesthetics within the city, provide for comparable design standards for dwellings and preserve the unique historical character of the city, all dwellings constructed within the city must meet the following minimum standards:

(A) *Foundation.* All dwellings shall be placed on an enclosed permanent foundation which does not extend more than 24 inches above the exterior finished grade of the lot. EXCEPTION: When the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet the requirements of this section.

(B) *Minimum dimension.* The horizontal width of every dwelling shall be not less than 25 feet in any direction. Attached garages, carports and open decks shall not be included in the measurement of the width.

(C) *Minimum floor area.* Every single-family dwelling and duplex shall contain a minimum gross floor area of not less than 700 square feet.

(D) *Nonconforming use.* A dwelling which does not meet the minimum standards set forth herein and occupied as a permanent residence at the time of passage of this chapter shall hereafter be deemed a nonconforming use. The nonconforming use may continue in the same manner and under the same rules as any other nonconforming use.

(E) *Waivers for new construction.* The Board of Appeals may waive one or more of the minimum standards set forth herein upon a finding that the architectural style proposed provides compensating

design features and that the proposed dwelling will be compatible and harmonious with other dwellings in the vicinity.

(Am. Ord. 134C, passed 9-3-98) Penalty, see § 155.999

**§ 155.067 REDUCTION OR JOINT USE.**

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

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**PERMITS****§ 155.080 ZONING PERMIT REQUIRED.**

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.

(Ord. 134, passed 8-7-89; Am. Ord. 134A, passed 9-9-91) Penalty, see § 155.999

**§ 155.081 APPLICATION.**

Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

(A) Names and addresses of the applicant, owner of the site, architect, professional engineer, or contractor;

(B) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing

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

(C) Plat of survey showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highways access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the compatibility in location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site. The Zoning Administrator shall have the right to request a registered land survey if he or she feels it is needed under conditions shown on the application.

(D) Proposed Sewage Disposal Plan, if municipal sewage service is not available. This plan shall be approved by an appropriate professionally licensed authority who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.

(E) Proposed Water Supply Plan, if municipal water service is not available. This plan shall be approved by an appropriate professionally licensed authority who shall certify in writing that an adequate and safe supply of water will be provided.

(F) Additional information as may be required by the appropriate body of the city.  
(Ord. 134, passed 8-7-89)

#### **§ 155.082 ISSUANCE.**

A zoning permit shall be granted or denied in writing by the Zoning Administrator within 30 days of the filing of the application. The permit shall expire within 12 months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.  
(Ord. 134, passed 8-7-89; Am. Ord. 134A, passed 9-9-91)

#### **§ 155.083 CONDITIONAL USE PERMITS.**

(A) The Common Council may authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this chapter after review by the Planning Commission and a public hearing before the Common Council, provided such uses are in accordance with the purpose and intent of this chapter. Written notice of the public hearing shall be given to all adjacent landowners, including landowners whose property is separated from the applicant's property by a street or alley.

(B) Application for conditional use permits shall be submitted to the Zoning Administrator on forms provided by the Zoning Administrator as shall be accompanied by a plan showing the location, size, and shape of the lot(s) involved and of any proposed structures and the existing and proposed use of each structure and lot.

(C) The City Planning Commission shall be requested to review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation.

(D) The use of permanent construction for which the conditional use permit was issued must be exercised within one year of when the permit was issued or the permit is rescinded.

(E) Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards and parking requirements may be required by the Common Council upon its finding that such conditions are necessary to fulfill the purpose and intent of this chapter.

(F) Conditional uses shall apply with all provisions of this chapter.  
(Ord. 134, passed 8-7-89)

**SIGNS****§ 155.095 ZONING PERMIT REQUIRED.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs excepted in this subchapter. The sign shall also meet all the structural requirements of the building code.

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**§ 155.096 REGULATIONS FOR RESIDENCE DISTRICTS (R-1, R-2, R-3 AND R-4) AND AGRICULTURAL DISTRICT (A).**

All signs are prohibited in the Residence Districts (R-1, R-2, R-3 and R-4) and Agricultural District (A) except the following:

(A) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two feet in height and ten feet in length or 20 square feet;

(B) Real estate signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located;

(C) Name, occupation, and warning signs not to exceed two square feet located on the premises;

(D) Bulletin boards for public, charitable, or religious institutions not to exceed 24 square feet in location on the premises;

(E) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure;

(F) Official signs, such as traffic control, parking restrictions, information, and notices;

(G) Temporary signs or banners when authorized by the Common Council;

(H) Temporary signs (not to exceed 20 square feet) advertising on-premises sale of agricultural products in the A District; and

(I) Political campaign signs during campaign for elective office.

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

**§ 155.097 REGULATIONS FOR BUSINESS AND INDUSTRIAL DISTRICTS.**

Signs are permitted in the Business and Industrial Districts subject to the following restrictions:

(A) Wall signs placed against (or painted on) the exterior walls of buildings shall not exceed more than six inches outside of a building's wall surface, shall not exceed 200 square feet in area or 40% of the wall surface (whichever is smaller) for any one premises and shall not exceed 20 feet in height above the main centerline street grade;

(B) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 50 square feet in area for any one premises, shall not exceed more than six feet into any required yard, shall not extend more than five feet into any public right-of-way, shall not extend beyond the curbing, and not exceed a height of 20 feet above the main centerline street grade and shall not be less than nine feet above the sidewalk nor 15 feet above a driveway or an alley.

(C) Ground signs shall not exceed 20 feet in height above the main centerline street grade, shall meet all yard requirements for the district in which it is located and shall not exceed 100 square feet on one side and not more than 200 square feet on all sides for any one premises.

(D) Roof signs shall not exceed ten feet in height above the roof, shall meet all yard and height requirements for the district in which it is located, and

shall not exceed 100 square feet on all sides for any one premises.

(E) Combinations of any of the above signs shall meet all the requirements for the individual sign.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

#### **§ 155.098 GENERAL REGULATIONS.**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(Ord. 134, passed 8-7-89) Penalty, see § 155.999

#### **§ 155.099 EXISTING SIGNS.**

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of the chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of § 155.112 shall apply.

(Ord. 134, passed 8-7-89)

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 155.110 PERSONNEL.**

(A) This chapter shall be administered and enforced by the following persons or groups of persons, and their duties shall be as it appears at various places in this chapter:

(1) The Zoning Administrator shall be the City Clerk;

(2) The City Zoning Committee shall be three-members of a standing committee of the Common Council, appointed by the Mayor and approved by the Common Council;

(3) The City Planning Commission shall be composed of the Mayor, as presiding Chairman, plus two members of the Common Council as selected by the Mayor, plus City Maintenance Engineer, plus three citizens of the city who shall be selected and appointed by the Mayor, confirmed by the Common Council and serve on the Commission at the discretion of the Mayor, but dismissal of a member shall be confirmed by Common Council action. This Commission shall be an advisory group and shall submit recommendations to the Common Council when required by this chapter or requested by the Mayor. In all cases, the Planning Commission shall only meet and advise when called by the Mayor;

(4) The Board of Appeals shall be appointed as specified in Wisconsin Statutes and shall have the authority conferred by state statute and this chapter.

(B) Members of any Commission or Board, not members of the Common Council, shall be compensated for their meetings at the same rate as Common Council members are paid for committee meetings.

(Ord. 134, passed 8-7-89)

#### **§ 155.111 VARIANCES.**

Where strict application of this chapter would result in a practical difficulty or unnecessary hardship, modification may be granted by the Board of Appeals following a public hearing with a Class 1 notice.

(Ord. 134, passed 8-7-89)

#### **§ 155.112 NONCONFORMING USES.**

(A) Uses of buildings, signs, and premises existing upon adoption of this chapter may be continued even though they do not conform to the



restrictions of this chapter. However, structural repairs or alterations of the buildings, signs, or premises shall not during its life exceed 50% of their equalized value at the time they become nonconforming unless a building, sign, or premises conforming to this chapter results. A nonconforming use that is abandoned for one year shall be discontinued permanently.

(B) Lot size will be determined by uses and structures existing at the time of the adoption of this chapter. A structure that is destroyed by fire or natural disaster will be permitted to be rebuilt on the existing lot, provided such construction shall be completed within one year (12 months).

(C) Nonconforming uses and structures existing at the adoption of this chapter shall continue to be regulated by any prior zoning ordinance to the full extent of that prior ordinance. All other uses and structures shall be regulated by this chapter.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

#### **§ 155.113 HEARING APPEALS.**

Pursuant to Wis. Stats. § 62.23(7)(e), the Board of Appeals, upon application of an aggrieved party or any officer, department, board, or bureau of the city filed within 30 days of the decision shall within 60 days hold a hearing on any decision of the administrative officer. The Board of Appeals shall give public notice thereof by publication in the official newspaper of the city not less than ten days prior to the hearing, specifying the date, time and place of hearing and the matters to come before the Board, as well as mailing a notice to the parties in interest and decide the same within 30 days of the date of the hearing. Upon the hearing any party may appear in person or by agent or attorney.  
(Ord. 134, passed 8-7-89)

#### **§ 155.114 CHANGES AND AMENDMENTS.**

The Common Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein

established. Any proposed change shall first be submitted to the City Planning Commission for its recommendation and report. Upon receipt, the Common Council shall hold a public hearing thereon. Notice of the time and place be given by publication thereof once each week for two successive weeks in the official newspaper of the city.  
(Ord. 134, passed 8-7-89)

#### **§ 155.115 ENFORCEMENT.**

The duty of the Zoning Administrator, with the aid of the City Attorney, shall be to investigate all complaints, give notice of violations and to enforce the provisions of this chapter. The Zoning Administrator and his or her duly appointed deputies may enter at any reasonable time onto any public or private land or waters to make a zoning inspection.  
(Ord. 134, passed 8-7-89)

#### **§ 155.998 VIOLATIONS.**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. It shall be unlawful to fail to comply with any standards of this chapter or with any conditions or qualifications placed upon issuance of a permit or granting of a variance. In case of any violation, the Common Council or the Zoning Administrator, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.  
(Ord. 134, passed 8-7-89) Penalty, see § 155.999

#### **§ 155.999 PENALTY.**

Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resist the enforcement of any of the provisions of this chapter shall be subject to a fine of not less than \$10 nor more than \$200, together with the cost of the action and in default of payment thereof



to imprisonment in the county jail for a period of not less than one day nor more than six months, or until such fine and costs are paid. Compliance therewith may be enforced by injunctive order at the suit of the city or the owners of real estate within the district affected.

(Ord. 134, passed 8-7-89)

**APPENDIX: TABLE ONE - CITY OF ALMA COMPREHENSIVE  
ZONING ORDINANCE OF 1989**

<i><b>Zoning District</b></i>	<i><b>Minimum Lot Sq. Footage</b></i>	<i><b>Minimum Lot Width</b></i>	<i><b>Minimum Lot Depth</b></i>	<i><b>Minimum Front Yard Setback</b></i>	<i><b>Minimum Side Yard Setback</b></i>	<i><b>Minimum Rear Yard Setback</b></i>	<i><b>Maximum Lot Coverage</b></i>	<i><b>Building Height</b></i>	<i><b>Minimum Parking</b></i>
R-1 District	6,000 sq. feet	70 ft. at rear of front yard	86 feet	Average of buildings on either side of 10' which-ever is less	Principle building = 6'; accessory building = 3' on each side	3 feet	50% all structures and impervious surfaces	35 feet	Off-street 1 space per family
R-2 District	6,000 sq. feet	Same as R-1, subject to State Well Code	Same as R-1, subject to State Well Code	Same as R-1	Same as R-1	Same as R-1	Same as R-1	35 feet	Off-street 1 space per family
R-3 District	3,000 sq. ft.	30 feet at rear of front yard	100 feet	Same as R-1	3 feet - all buildings	3 feet	70% all structures and impervious surfaces	35 feet	No minimum
R-4 District	12,000 sq. ft. & according DILHR Adm. Code #83 & Buff. County Zoning Ord. & Perc. Tests	Same as R-1, minimum area 12,000 sq. ft.	175 feet	Same as R-1	Same as R-1	6 feet	Same as R-1	35 feet	Off-street 1 space per family
B	6,000 sq. ft.	Fireproof const. = 25 ft; non-fireproof const. = 45 feet	Depends upon width	None	Fireproof const. = none; nonfire-proof const. = 9 feet	6 feet	—	35 feet	1 space per 200 sq. ft. of floor area
RRC	Same as R-1, R-2, R-3 and R-4	—	—	—	—	—	—	—	—

<i>Zoning District</i>	<i>Minimum Lot Sq. Footage</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>	<i>Maximum Lot Coverage</i>	<i>Building Height</i>	<i>Minimum Parking</i>
I	—	100 feet	—	25 feet	20 feet principal 5 feet accessory	30 feet	—	Conditional	1 space per each 3 employees
I-R	All requirements conditional	—	—	—	—	—	—	—	—
A	n/a	n/a	n/a	Housing for animals - 200' from nearest residence or business district	Housing for animals - 200' from nearest residence or business district	Housing for animals - 200' from nearest residence or business district	n/a	n/a	n/a
P	By Council approval	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

(Ord. 134, passed 8-7-89)