

TITLE 13

Zoning

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- Chapter 2 Shoreland-Wetland Zoning
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Zoning Code

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ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sections 61.35 and 62.23(7), Wis. Stats.

SEC. 13-1-2 TITLE.

This Chapter shall be known as, referred to and cited as the "Zoning Code, City of Park Falls, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

SEC. 13-1-3 GENERAL PURPOSE.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Park Falls, Wisconsin.

SEC. 13-1-4 INTENT AND PURPOSES IN VIEW.

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

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the City and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City;

- (i) Preserve and protect the beauty of the City of Park Falls;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the City of Park Falls;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

SEC. 13-1-5 ABROGATION AND GREATER RESTRICTIONS.

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

SEC. 13-1-6 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 construed to be a limitation or repeal of any other power now possessed by the City of Park Falls.

SEC. 13-1-7 SEVERABILITY AND NON-LIABILITY.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no

liability on the part of the City of Park Falls, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

SEC. 13-1-8 REPEAL AND EFFECTIVE DATE.

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

SEC. 13-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Park Falls.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **One Main Building per Lot.** Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (e) **Legal Remedies.** No provision of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate state laws.
- (f) **Utilities Construction.** No provision of this Chapter shall be construed to prohibit the necessary and customary construction, reconstruction or maintenance of aboveground or underground public utility neighborhood service lines, structures and mechanical appurtenances thereto where reasonably necessary for the public convenience and welfare.

SEC. 13-1-11 USE REGULATIONS.

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

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district.
- (c) **Conditional Uses.** The following provisions shall be applicable to conditional uses generally:
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action

- by the Plan Commission for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
- (3) Proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Plan Commission in accordance with Article E of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the re-establishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article E of this Chapter.
 - (5) Conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (d) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Plan Commission after public hearing and approval in accordance with Article E of this Chapter.

SEC. 13-1-12 SITE REGULATIONS.

- (a) **Street Frontage.** To be buildable, a lot shall comply with the frontage requirements of the zoning district in which it is located, but shall, in any case, have a minimum frontage of fifty (50) feet or forty-five (45) feet for a cul-de-sac.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Plan Commission may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** Zoning permits shall only be issued for a lot which abuts a public street dedicated to its proposed width.
- (d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.

- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Common Council, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, 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. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Common Council.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.
- (h) **Drainage, Sanitation, and Water Supply.**
- (1) No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
 - (2) No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Price County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.
 - (3)
 - a. The Assessor/Building Inspector shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Price County Sanitary Code and a sanitary permit has been issued.
 - b. Private sewage disposal systems for dwelling units shall meet the location requirements of the Price County Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.

- (4) Where connection is not to be made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises.
- (5) Planned unit developments shall be served by the City's sanitary sewerage facilities or by sewerage facilities which meet the requirements of the Price County Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.

SEC. 13-1-13 HEIGHT AND AREA EXCEPTIONS.

Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices, and ornamental features. In addition, the following obstructions are also permitted:

- (a) Fire escapes. These may not extrude more than five (5) feet
- (b) Open terraces not over four (4) feet above the average level of adjoining ground but not including permanently roofed-over terrace or porch.
- (c) Awnings and canopies.
- (d) Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- (e) Chimneys, provided they do not project more than eighteen (18) inches into a required yard.
- (f) Recreational equipment.
- (g) Laundry-drying equipment.
- (h) Arbors, trellises, landscaping, and trees.
- (i) Flag poles.
- (j) Television and/or radio antennas, provided the base unit is within thirty (30) inches of the eaves of the principal structure and the entire antenna does not project more than eight (8) feet into any required side or rear yard. In no case may an antenna project into the required front yard.

SEC. 13-1-14 REDUCTION OR JOINT USE.

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions 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.

SEC. 13-1-15 SCREENS AND BUFFERS.

- (a) **Required Screens and Buffers.** Where screens or buffers are required by this Chapter or the Common Council to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.

- (b) **Buffer Yards.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Plan Commission or Zoning Administrator. The minimum width shall be ten (10) feet.
- (c) **Screens.** Screens are barriers located in a limited space [ten (10) feet or less] intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.

SEC. 13-1-16 Adult-Oriented Entertainment Businesses

A. PURPOSE.

The purpose of this section is to control through zoning regulations certain adult oriented entertainment uses that have a direct and detrimental effect on the character of the City's residential neighborhoods and commercial areas.

B. DEFINITIONS.

(1) Adult Oriented Entertainment Business. An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

(2) Nudity. The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

(3) Sexual Conduct. Acts of masturbation, sexual intercourse, or physical conduct with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast.

(4) Sexual Excitement. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

C. APPLICABILITY.

The provisions of this section of the Zoning Code shall apply to all existing and future adult-entertainment oriented businesses.

D. GENERAL REQUIREMENTS.

(1) Zoning District. Adult use only bookstores, adult theaters, adult massage parlors, adult saunas, adult entertainment centers, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other adult orientated entertainment businesses sexual in nature may be operated or maintained only within the I-1 Industry District provided that it is located on a minor or major arterial road and subject to the distance limitations noted below.

(2) Distance Limitations. No adult-only bookstores, adult theaters, adult massage parlors, adult saunas, adult entertainment centers, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other adult orientated entertainment businesses as defined under this section shall:

(a) be operated or maintained within 1000 feet of the boundary of any Residential Zoned (R) District;

(b) be operated or maintained within 1000 feet of a church, parking recreational site, licensed daycare facility, public library or private educational facility which serve persons age seventeen (17) or younger, elementary school, high school, place of worship or elderly housing facility;

(c) be operated or maintained so that there are no more than two (2) such businesses within 2500 feet as measured by the radius from each business;

(d) distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises or from the lot lines of properties in Residentially Zoned (R) Districts.

(3) Same Use Restrictions. No adult oriented business shall be located in the same building or upon the same property as another such uses.

(4) Sign Limitations. Notwithstanding any other provision of this code, an adult oriented entertainment business shall not be permitted more than one (1) sign advertising its business which shall be an on-premises or building sign only. All such signs shall meet the following criteria:

(a) have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building;

(b) no sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only;

(c) no sign shall contain any flashing lights, moving elements, or mechanically changing messages;

(d) no sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as "nude dancing" or "Girls, Girls, Girls," etc;

(e) no sexually-oriented business may have any off-premise sign.

(5) Operating Standards. All such adult entertainment businesses shall operate in accordance with the following:

(a) No employee shall solicit business outside the building in which the business is located;

(b) no male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;

(c) no person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals;

(d) nudity is prohibited for any employee of an adult oriented business where such person is in direct, personal contact with another person.

(6) Building's Exterior Appearance. The building's exterior shall meet the following criteria:

(a) colors to be earth or neutral tones with primary accent colors to be within the same color family;

(b) stripes and geometric patterns are prohibited;

(c) a color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Common Council;

(d) The exterior shall be adequately maintained in good condition.

SEC. 13-1-17 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC. 13-1-20 DISTRICTS ESTABLISHED.

For the purpose and provision of this Chapter, the City of Park Falls, Wisconsin, is hereby organized into the following districts:

- (a) R-1 Single-Family Residential District.
- (b) R-2 Two and Multi-Family Residential District.
- (c) PUD Planned Unit Development District.
- (d) C-1 Commercial District.
- (e) C-2 Commercial District.
- (f) I-1 Industrial District.
- (g) A-1 Agricultural District.
- (h) W-1 Resource Conservation District.

SEC. 13-1-21 ZONING MAPS.

- (a) The boundaries of the aforesaid zoning districts are hereby established as shown on the maps entitled "Zoning Map of Park Falls, Wisconsin," dated May 3, 1977. These official maps and all explanatory matter thereon and attached thereto are adopted by reference and declared to be part of this Chapter.
- (b) The "Zoning Map of Park Falls, Wisconsin" and all official explanatory matter attached thereto bears the signature of the City Clerk-Treasurer and shall be on file in the office of the Zoning Administrator.

SEC. 13-1-22 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- (a) District boundary lines are either the centerlines of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.
- (b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- (c) Where a lot held in one (1) ownership and of record on the effective date of this Chapter is divided by a district boundary line, the entire lot shall be construed to be within the less-restricted district, provided that this construction shall not apply if it increases the less-restricted frontage of the lot by more than twenty-five (25) feet.

SEC. 13-1-23 ANNEXATIONS.

All territory annexed to the City of Park Falls shall automatically become a part of the R-2 Two- and Multi-Family Residential District until definite boundaries and regulations are adopted by the Common Council, provided, however, that the Common Council shall adopt definite boundaries and district regulations within ninety (90) days from the date of annexation.

SEC. 13-1-24 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** The R-1 District is intended to provide a pleasant, safe, and quiet neighborhood environment free from traffic hazards or public annoyances for residential areas in the City.
- (b) **Permitted Uses.**
 - (1) Single-family dwellings, excluding all mobile homes.
 - (2) Public recreational parks and playgrounds.
 - (3) One (1) private garage and accessory buildings.
 - (4) 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.
 - (5) Home gardening.
- (c) **Area Requirements.**
 - (1) Maximum Building Height -- Thirty-five (35) feet.
 - (2) Side Yard: Principal Building -- Ten (10) feet on a side; twenty-four (24) feet total.
 - (3) Side Yard: Accessory Building -- Five (5) feet on each side; within portions of the City developed prior to May 17, 1977, side yards shall be five (5) feet for principal buildings and three (3) feet for accessory buildings, and rear yards shall be five (5) feet for all buildings.
 - (4) Front Yard Setback (except as stated below) -- Twenty-five (25) feet.
 - (5) Rear Yard Setback -- Thirty (30) feet.
 - (6) Rear Yard Setback: Accessory Building -- Five (5) feet.
 - (7) Lot Area Per Family -- Eight thousand five hundred (8,500) square feet.
 - (8) Minimum Lot Width -- Seventy (70) feet.
 - (9) Minimum Floor Area Per Family -- Eight hundred (800) square feet on the ground level.
- (d) **Setback Modification.**
 - (1) Where forty percent (40%) or more of the frontage is occupied with buildings having an average setback line of more or of less than twenty-five (25) feet, the setback line in any vacant interior lot in such frontage shall be established at the point of intersection of its centerline, drawn from the front street line, and a line connecting the nearest points on the setback lines of the next existing buildings on each side of such vacant lot.
 - (2) On any corner lot less than sixty (60) feet wide and of record at the time of the passage of this Chapter, where reversed frontage exists, the setback on the

side street shall be not less than fifty percent (50%) of the setback required on the lot in the rear, and no buildings shall project beyond the setback line of the lot in the rear, provided, further, that in no case shall the buildable width of such corner lot be reduced to less than twenty-four (24) feet.

SEC. 13-1-25 R-2 TWO- AND MULTI-FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** The R-2 District is intended to provide a living area that is pleasant and suitable for duplexes and multiple-family dwellings.
- (b) **Permitted Uses.**
 - (1) Any use permitted in the R-1 District, provided R-1 conditions are met for those uses.
 - (2) Two (2) family dwellings.
 - (3) Multi-family dwellings.
 - (4) Churches, public schools, parochial schools, public libraries, public museums, and art galleries.
 - (5) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums
 - (6) Mobile home parks.
 - (7) Public recreational and community center buildings and grounds.
 - (8) Home gardening, greenhouses, and nurseries.
 - (9) Boarding houses and lodging houses.
 - (10) Public hospitals, except hospitals for contagious diseases or for the care or treatment of epileptics or drug or drink addicts or the insane or feeble-minded, when such buildings shall be located not less than seventy-five (75) feet from any lot in any residence district not used for the same purpose.
 - (11) Philanthropic and charitable institutions.
 - (12) Private clubs, fraternities, and lodges, except those whose chief activity is customarily carried on as a business.
 - (13) Professional offices.
 - (14) Clinic.
- (c) **Area Requirements.**
 - (1) Maximum Building Height -- Forty-five (45) feet.
 - (2) Side Yard: Principal Building -- Ten (10) feet on each side.
 - (3) Side Yard: Accessory Building -- Five (5) feet.
 - (4) Rear Yard Setback: Accessory Building -- Five (5) feet.
 - (5) Front Yard Setback -- Twenty-five (25) feet
 - (6) Rear Yard Setback: Principal Building -- Thirty (30) feet. Within portions of the City developed prior to May 17, 1977, side yards shall be five (5) feet for principal building and three (3) feet for accessory buildings, and rear yards shall be five (5) feet for all buildings.
 - (7) Lot Area Per Family -- Eight thousand five hundred (8,500) square feet for one (1) family; six thousand (6,000) square feet for two (2) family; three

thousand five hundred (3,500) for multi-family. On substandard lots developed before May 17, 1977, building on said lots is permitted if the buildings conform to the setback requirements of Section 13-1-25(c)(6).

- (8) Minimum Lot Width – Eighty (80) feet.
- (9) Minimum Floor Area Per Family – One thousand (1,000) square feet for three (3) bedroom apartments; eight hundred (800) square feet for two (2) bedroom apartments; six hundred (600) square feet for one (1) bedroom apartments.

SEC. 13-1-26 C-1-A COMMERCIAL DISTRICT.

- (a) Purpose. The C-1-A District is intended to provide an area for the primary business and commercial needs of the City.
- (b) Permitted Uses.
 - (1) Any use permitted in the R-2 District.
 - (2) Post offices.
 - (3) Parking lots.
 - (4) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These generally include:
 - a. Animal hospital, pet shop.
 - b. Art shop, antique shop, gift shop.
 - c. Automobile sales and service establishments, public garage, parking lot.
 - d. Bakery.
 - e. Bank, brokerage, financial institution, pawnbroker.
 - f. Barber shop, beauty parlor.
 - g. Book and stationery store, news stand.
 - h. Bowling alley, pool and billiard room.
 - i. Business and professional office.
 - j. Candy store, confectionery store.
 - k. Clothing store, department store, dress shop, dry goods store, hosiery shop, millinery shop, shoe store, shoe repair shop.
 - l. Convention and exhibition hall, sports arena.
 - m. Dance hall, gymnasium, skating rink.
 - n. Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.
 - o. Florist shop.
 - p. Food and dairy products establishments, delicatessen, fruit and vegetable store, grocery store, meat and fish market.
 - q. Furniture store, office equipment store, upholsterer's shop.
 - r. Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies, sporting goods store.
 - s. Hotel, motel, trailer and/or cabin court.
 - t. Jewelry store, watch repair shop.
 - u. Laundry or cleaning and dyeing establishment employing not more than ten (10) persons on the premises.
 - v. Music store, radio and television store.

- w. Optical store.
- x. Photographer, photographer's supplies.
- y. Private clubs and lodges.
- z. Private school.
- aa. Radio and television broadcasting studio, radio and television towers, masts or
aerials, micro-wave radio relay structures.
- bb. Restaurant, barbecue stand, cafe, cafeteria, caterer, tavern.
- cc. Signs, billboards, and other outdoor advertising structures.
- dd. Tailor shop, clothes pressing shop.
- ee. Railroad and bus depot.
- ff. Telephone and telegraph office.
- gg. Temporary structures.
- hh. Theaters and places of amusement, except drive-in theaters.
- ii. Tobacco store.
- jj. Undertaking establishment.
- kk. Variety store, notion shop.
- ll. Any other uses similar in character and the manufacture and treatment of
products clearly incidental to the conduct of a retail business on the premises.
- mm. Such accessory uses as are customary in connection with the foregoing uses
and are incidental thereto.

(c) **Area Requirements.**

- (1) Maximum Building Height -- Forty-five (45) feet.
- (2) Side Yard: Principal Building* -- Ten (10) feet on each side or a four (4) hour
fire-retardant wall.
- (3) Side Yard: Accessory Building* -- Ten (10) feet on each side or four (4) hour
fire-retardant wall.
- (4) Front Yard Setback* -- Fifteen (15) feet.
- (5) Rear Yard Setback* -- Twenty-five (25) feet.
- (6) Lot Area Per Family -- Same as R-2 District; Minimum Lot Width* -- Seventy
(70) feet.
- (7) Parking: Off-Street Residential -- One (1) per family.
- (8) Parking: Commercial* -- One (1) per three hundred (300) square feet of floor
space.
- (9) Minimum Floor Area Per Family -- Same as R-2 District.

*In the blocks in the commercial district which are already developed prior to May 17, 1977, setbacks, minimum lot widths, commercial parking and truck unloading areas for new or renovated building can correspond with the existing setbacks, minimum lot widths, commercial parking and truck unloading areas, provided the Board of Appeals determines, upon due application for a variance, that such action will be in keeping with the purposes of this Chapter.

SEC. 13-1-26-B C-2 COMMERCIAL DISTRICT

(a) **Purpose.** The C-2 District is intended to provide an area for a mix of residential and commercial uses approved for the tourist By-Way, as that term is defined in the Comprehensive Plan, in the City of Park Falls.

(b) **Permitted Uses.**

1. Any use permitted in the R-2 District.
2. Art shop, art gallery, art studio.
3. Bakery.
4. Barber shop, beauty salon, tanning salon.
5. Book store, stationary store, news stand.
6. Licensed professionals.
7. Candy store, confectionary store.
8. Clothing store, dress shop, shoe store, fashion boutiques.
9. Ice cream shop, soda fountain, soft drink stand.
10. Coffee shop, internet café, specialty food shop, caterer.
11. Florist shop, party supply shop.
12. Delicatessen, meat market.
13. Hotel, motel.
14. Optical store.
15. Photographer, photo studio, photo frame shop.
16. Private clubs and lodges that are 501(c)3 exempt.
17. Tailor shop, leather sales and repair shop.
18. Any other uses similar in character and those which are not intrusive to the surrounding residential property, subject to the advance approval of the Plan Commission. The Plan Commission will review and make a determination on proposed uses on a case-by-case basis.

(c) **Area Requirements.**

1. Maximum Building Height – Twenty-five (25) feet.
2. Side Yard: Principal Building – Ten (10) feet on each side.
3. Side Yard: Accessory Building – Ten (10) feet on each side.
4. Front Yard Setback – Twenty-five (25) feet.
5. Rear Yard Setback – Twenty-five (25) feet.
6. Parking: Off-Street – One per Three Hundred (300) square feet of floor.
7. Minimum Floor Area Per Family – Same as R-2 District.

(d) **Other Requirements.**

1. No electronic signs will be allowed. All signage must be compatible to the surrounding décor, subject to the advance approval of the Zoning Administrator.
2. No wire fences will be allowed. All fences must be compatible to the surrounding décor, subject to the advance approval of the Zoning Administrator.
3. Exterior lighting must be at the minimum required to be effective and safe, while not being so bright as to create a nuisance for neighboring properties.
4. No outside displays or storage will be allowed except on a temporary basis when approved in advance by the Zoning Administrator in his or her discretion.

SEC. 13-1-27 I-1 INDUSTRIAL DISTRICT.

- (a) **Purposes.** The I-1 District is intended to provide space for industrial and manufacturing uses at appropriate locations in the City. All other uses (residential, commercial, public) are prohibited, except that a dwelling may be provided for a caretaker or superintendent if the industrial use requires constant supervision.
- (b) **Permitted Uses.**
- (1) Wholesale business.
 - (2) Printing and publishing.
 - (3) Manufacture of products from paper.
 - (4) Repair, service and assembly of motor-propelled or nonmotor propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles.
 - (5) Storage and warehousing of fuel and materials and contractors' yards, except the storage of wrecked and dismantled vehicles, junk, explosives or inflammable gases or liquids.
 - (6) Manufacture and bottling of nonalcoholic beverages.
 - (7) Processing, packing and manufacture of food and food products, including bakeries, except meat and meat products, fish and fish products, sauerkraut and cabbage byproducts or the vining of peas.
 - (8) Manufacture of products from wood, including the manufacture of pulp, paper, and paper products and byproducts from the pulping and papermaking process.
 - (9) Manufacture of sporting goods, home and office appliances and supplies.
 - (10) Manufacture of goods from leather, but not tanning of hides or manufacture of leather.
 - (11) Knitting mills and the manufacture of products from finished fabrics.
 - (12) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
 - (13) Laboratories.
 - (14) Manufacture of jewelry and cosmetics.
 - (15) Manufacture of cigars, cigarettes, and smoking tobacco.
 - (16) Enameling and painting.
 - (17) Blacksmithing, tinsmithing, sheet metal working and plumbing shops.
 - (18) Manufacture of goods from plastics.
 - (19) Refining, manufacture and storage of inflammable gases or liquids where such are a raw material for, or a byproduct of an existing industrial or manufacturing process.
 - (20) And any other uses except:
 - a. Residential, educational, or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family.
 - b. Uses in conflict with any laws of the State of Wisconsin or any ordinance of the City of Park Falls governing nuisances.
- (c) **Conditional Uses.** Any of the following uses are prohibited unless the location of such use has been approved or conditionally approved by conditional use permit by the Common Council after investigation and public hearing:

- (1) Acid, except as a byproduct from existing manufacturing plant, ammonia, chlorine and soap manufacture.
 - (2) Ammunition manufacture, explosives or fireworks manufacture or storage.
 - (3) Asphalt, coal and coal tar or coke manufacture.
 - (4) Automobile wrecking yard, junk yard.
 - (5) Bones, distillation of.
 - (6) Cement, lime, gypsum or plaster of Paris manufacture.
 - (7) Fat rendering.
 - (8) Fertilizer manufacture.
 - (9) Garbage, rubbish, offal, or dead animal reduction or dumping.
 - (10) Gelatin or glue manufacture.
 - (11) Inflammable gases or liquids, refining or manufacture of overground tank farms, except as a part of existing manufacturing operations and its byproducts.
 - (12) Slaughterhouses, stockyards.
 - (13) Smelting.
- (d) **Area Requirements.**
- (1) Side Yard: Principal Building -- Twenty (20) feet on each side.
 - (2) Side Yard: Accessory Building -- Five (5) feet on each side.
 - (3) Front Yard Setback -- Forty (40) feet.
 - (4) Rear Yard Setback -- Thirty (30) feet.
 - (5) Minimum Lot Width -- One hundred (100) feet.

A-1

SEC. 13-1-28 AGRICULTURAL DISTRICT.

- (a) **Purpose.** This District is established to:
- (1) Help conserve good farming areas; and
 - (2) Prevent uncontrolled, uneconomical spread of residential development since it results in excessive costs to the community for provision of essential public improvements and services (sewer and water lines, etc.)
- (b) **Permitted Uses.**
- (1) One (1) family and two (2) family farm residences but only when occupied by owners and/or persons engaged in farming activities on the premises.
 - (2) Farming, provided that buildings in which farm animals are kept shall be at least one hundred (100) feet from the nearest residential district.
 - (3) Churches, schools, parks, municipal buildings, and hospitals.
 - (4) Airports, including terminal facilities and necessary concessions.
 - (5) In-session roadside stands for the sale of farm products produced on the premises.
 - (6) Golf courses, including necessary club houses, concessions, and accessory buildings.
 - (7) Dam operated for the generation of hydroelectric power.
- (c) **Area Requirements.**
- (1) Maximum Building Height -- Thirty-five (35) feet (not applicable to agricultural uses).
 - (2) Side Yard: Principal Building -- Nine (9) feet on each side.

- (3) Side Yard: Accessory Building -- Five (5) feet on each side.
- (4) Front Yard Setback -- Forty (40) feet.
- (5) Rear Yard Setback -- Twenty-five (25) feet.
- (6) Lot Area Per Family -- Enough for a bona fide farm operation.
- (7) Minimum Lot Width -- One hundred fifty (150) feet.

SEC. 13-1-29 W-1 CONSERVANCY DISTRICT.

- (a) **Purpose.** The W-1 District is intended to preserve the natural state of scenic areas, to preserve natural areas and buffer strips, and to discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.
- (b) **Permitted Uses.**
 - (1) Management of forestry, wildlife, and fish.
 - (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, fruit trees, and tree seeds.
 - (3) Hunting, fishing, and trapping.
 - (4) Dams, power stations, and transmission lines.
 - (5) Upon written permission from the Common Council that is based on the purposes of this Chapter and the recommendation of the Plan Commission following a public hearing:
 - a. Sewage disposal plants.
 - b. Water pumping or storage facilities.
 - c. Golf courses.
 - d. Public camping grounds.
 - e. Billboards/signs.
 - (6) Bicycle or hiking trails.
 - (7) Parks.
 - (8) Uses customarily incident to any of the above uses.
- (c) **Area Requirements.** There are no setback, lot size or other dimensional requirements applicable to the W-1 District.

SEC. 13-1-30 PUD PLANNED UNIT DEVELOPMENT DISTRICT.

- (a) **Purpose.** The PUD District is intended to provide for large-scale residential or residential/recreational development. This District shall have no definite boundaries until such are approved by the City Council on the recommendation of the Plan Commission in accordance with procedures prescribed for zoning amendments by Sec. 62.23, Wis. Stats. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size, and proposed use of all structures and land included in the areas involved.
- (b) **Plan Standards.** The plans may provide for a combination of single and multi-family development as well as related commercial uses, provided that the plans indicate that:
 - (1) A single area of at least five (5) acres is involved.

- (2) Each residential building and lot in the District will conform to the R-2 District requirements and each commercial building and lot will conform to the C-1 District requirements.
- (3) Adequate streets and sidewalks as determined to serve the needs of the area involved will be provided.
- (4) Adequate access to public streets and proper internal circulation will be provided.
- (5) Adequate sewer and water facilities will be provided.
- (6) The development will constitute a reasonable extension of the living areas in the City and will be compatible with surrounding land uses.

SEC. 13-1-31 THROUGH SEC. 13-1-49 RESERVED FOR FUTURE USE.

ARTICLE D

Planned Unit Developments

SEC. 13-1-50 PURPOSE OF PLANNED UNIT DEVELOPMENTS.

The PUD Planned Unit Development District, found in Section 13-1-30, is established to encourage and promote improved environmental design in the City of Park Falls by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. The District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive, unified projects. It is further intended to encourage more rational and economic development in regard to public services and encourage and facilitate preservation of open land.

SEC. 13-1-51 THROUGH SEC. 13-1-59 RESERVED FOR FUTURE USE.

ARTICLE E

Conditional Uses

SEC. 13-1-60 STATEMENT OF PURPOSE--CONDITIONAL USES.

The development and execution of this Article is based upon the division of the City into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

SEC. 13-1-61 AUTHORITY OF THE PLAN COMMISSION; REQUIREMENTS.

- (a) The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited conditional use, the Plan Commission in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Plan Commission resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may

be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

SEC. 13-1-62 INITIATION OF CONDITIONAL USE.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses in the zoning district in which such land is located.

SEC. 13-1-63 APPLICATION FOR CONDITIONAL USE.

- (a) **Required Application Materials.** An application or a letter from the petitioner requesting a conditional use shall be filed in duplicate on a form prescribed by the City. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:
 - (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within one hundred (100) feet.
 - (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
 - (5) Additional information as may be required by the Plan Commission or other boards, commissions or officers of the City. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high water mark and ground water conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

- (b) **Plans.** In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.
- (c) **Fee.** The application fee for a conditional use permit shall be Fifty Dollars (\$50.00)

SEC. 13-1-64 HEARING ON APPLICATION.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Common Council, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

SEC. 13-1-65 NOTICE OF HEARING ON APPLICATION.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

SEC. 13-1-66 STANDARDS--CONDITIONAL USES.

No application for a conditional use shall be granted by the Plan Commission or granted by the Board of Appeals on appeal unless the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (e) That the proposed use does not violate flood plain regulations governing the site.
- (f) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

SEC. 13-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

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

SEC. 13-1-68 APPEALS.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Board of Appeals, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. The request shall be filed with the Zoning Administrator who shall submit it to the Board of Appeals at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Board of Appeals shall set a date for a public hearing thereon. Notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official newspaper at least ten (10) days before the date of the hearing. The Board of Appeals may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit.

SEC. 13-1-69 CONDITIONS AND GUARANTEES.

The following provisions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission, or the Board of Appeals on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may 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 the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.

- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

SEC. 13-1-70 VALIDITY OF CONDITIONAL USE PERMIT.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the City at least thirty (30) days before the expiration of said permit.

SEC. 13-1-71 COMPLAINTS REGARDING CONDITIONAL USES.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions

previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-1-7. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Board of Appeals.

SEC. 13-1-72 BED AND BREAKFAST ESTABLISHMENTS.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to the requirements of this Article.
- (b) **Definitions.**
 - (1) "Bed and Breakfast Establishment" means any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
 - (2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.
- (c) **Regulations.**
 - (1) Compliance with State Standards. All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wisconsin Administrative Code HSS 195 relating to hotels, motels and tourist rooming houses.
 - (2) Registry. Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a City representative for a period of not less than one (1) year.
- (d) **Permit Required.**
 - (1) City Permit Required. In addition to the permit required by Chapters HSS 195 or HSS 197, Wisconsin Administrative Code, before opening for business every bed and breakfast establishment shall obtain a permit from the Zoning Administrator by application made upon a form furnished by said officer and shall obtain a conditional use permit.
 - (2) Application Requirements. The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this Article:

- a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
- (3) **Display of Permit.** The permit issued by the Zoning Administrator shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Required.** Permits shall be issued only to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.
- (f) **On-site Signs.** Total signage shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit.** A bed and breakfast use permit shall be void upon the sale or transfer of the property ownership. The Plan Commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter HSS 195 or Chapter HSS 197, Wis. Adm. Code, or as above provided.

SEC. 13-1-73 QUARRIES AND MINES--CONDITIONAL USE.

- (a) **Application Required.** Application requesting Plan Commission approval of a proposed quarrying activity shall be accompanied by:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source, and its disposition shall be identified.
 - (2) A legal description of the proposed site.
 - (3) A topographic map [at a minimum contour interval of five (5) feet] of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.
 - (4) A restoration plan as hereinafter required.
- (b) **Consideration of Compatibility.** In reviewing a proposal for a quarrying activity, the Plan Commission shall take into consideration:
- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
 - (2) The possibility of soil erosion as a result of the proposed operation.
 - (3) The most suitable land use for the area.

- (c) **Restoration Plan and Financial Guarantee Required.** No grant to carry on a quarrying operation shall be given until the Plan Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as practicable after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the City Attorney.
- (d) **Conditions for Approval.** The Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.
- (e) **Duration of Conditional Grant.** The initial grant to carry on a quarrying operation shall not be effective for more than five (5) years. Authorization may be extended for three (3) additional years, subject to conditions specified by the Plan Commission.
- (f) **Existing Quarry Operations.**
 - (1) Within sixty (60) days after the effective date of this ordinance, the owners of all existing quarrying operations shall submit to the Plan Commission the names of the quarry owners and operators and information regarding its operation.
 - (2) Within one (1) year after initial adoption of this Chapter, the owners shall submit to the Plan Commission a plan for restoration of the quarrying site in accordance with Subsection (d) of this Section. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this Chapter.
 - (3) Within three (3) years after the effective date of this Chapter, any existing operation shall be subject to the provisions of Subsections (d), (e) and (f) of this Section.

SEC. 13-1-74 SALVAGE YARDS--CONDITIONAL USE.

No salvage yard shall be permitted in the City of Park Falls except in conformance with the standards, rules, and regulations of Wisconsin Administrative Code, NR 51, and the requirements herein specified:

- (a) All salvage yards shall have minimum front, side and rear yards of one hundred (100) feet.
- (b) Salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, and highways and waterways.

SEC. 13-1-75 GARBAGE AND REFUSE DISPOSAL SITES--CONDITIONAL USE.

- (a) No garbage or refuse disposal sites shall be permitted in the City of Park Falls except in conformance with the rules and regulations of NR 51, Wisconsin Administrative Code.
- (b) All such disposal sites shall have a minimum front, side, and rear yards of one hundred (100) feet each.
- (c) Garbage and refuse disposal sites shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

SEC. 13-1-76 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

ARTICLE F

Nonconforming Uses, Structures and Lots

SEC. 13-1-80 EXISTING NONCONFORMING USES AND STRUCTURES.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing on the date of adoption of the City Zoning Code may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

SEC. 13-1-81 ABOLISHMENT OR REPLACEMENT.

- (a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months for residential districts and twelve (12) months for commercial and industrial districts, any future use of the structure or land shall conform to the provisions of this Chapter.
- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its assessed or fair market value, whichever is higher, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its assessed or fair market value, a building permit, following specific Common Council approval, may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

SEC. 13-1-82 EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width,

lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

SEC. 13-1-83 CHANGES AND SUBSTITUTIONS.

- (a) A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals after public notice and hearing to be no more harmful to the surrounding neighborhood from the standpoint of the purposes of this Chapter than the existing nonconforming use.
- (b) Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-84 SETBACK AVERAGING.

Within previously developed portions of the City, a setback equal to the average setback of existing principal buildings located within five hundred (500) feet of a proposed building site and on the same side of the street shall be permitted where five (5) of these buildings do not conform with the appropriate setback line.

SEC. 13-1-85 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.

ARTICLE G

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-90 TRAFFIC VISIBILITY.

In each quadrant of every street intersection, there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle no object shall be allowed above a height of two and one-half (2-1/2) feet above the streets if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart. Objects existing within the vision clearance triangle at the time of the adoption of this amendment shall be permitted to remain, but shall not be enlarged or expanded except by natural growth in the case of vegetation.

SEC. 13-1-91 SCOPE OF PARKING AND LOADING REGULATIONS.

The off-street parking and loading provisions of this Article shall apply as follows:

- (a) For all buildings and structures erected after the effective date of this Chapter, accessory parking and loading shall be according to the provisions of this Article.
- (b) Where the intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided.
- (c) Any existing parking and loading serving any type of use may not be reduced below the requirements of this Article.
- (d) Where a conforming or legally nonconforming building is destroyed or damaged by fire, explosion, flood, or any other manmade or natural catastrophe, no off-street parking or loading is required during the process of reconstruction.
- (e) Any application for a zoning permit shall include therewith a plot plan accurately showing any parking or loading facilities to be provided in compliance with this Article.

SEC. 13-1-92 PARKING REQUIREMENTS.

In all districts there shall be provided at the time any building or structure is erected off-street parking spaces in accordance with the requirements of this Section: A site plan, including layout of parking spaces and water drainage, of any parking area for more than five (5) vehicles shall be submitted to the Zoning Administrator for approval prior to commencement of construction. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.

- (b) **Size of Stall.** A required off-street parking stall shall be at least eight and one-half (8-1/2) feet of width and at least nineteen (19) feet in length, exclusive of access drives and aisles, ramps, or columns. A stall shall have a vertical clearance of at least seven (7) feet.
- (c) **Parking Yards.** Parking may be allowed in the required yards except that no parking shall be allowed within the first twenty (20) feet of the required front yard or three (3) feet of the required side yard adjacent to the right-of-way line.
- (d) **Surfacing.** An open off-street parking area, containing more than five (5) parking spaces shall be improved with a bituminous or cement concrete pavement in accordance with the City of Park Falls standards and specifications. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked for handicapped and customer/employee parking. Surfacing shall be completed before an occupancy permit is issued, except that between November 1 and April 1 the property owner and City may enter into an agreement that required surfacing be completed no later than June 1st.
- (e) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- (f) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (g) **Storage and Parking of Recreational Vehicles.** No major recreational equipment shall be used for living or housekeeping purposes when parked or stored on a residential lot for more than thirty (30) days in any calendar year.
- (h) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (i) **Number of Stalls.** Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwelling and mobile homes	2 stalls per dwelling unit
Multi-family dwellings:	
1. Efficiency	1.5 stalls per dwelling unit
2. One to two bedroom	2 stalls per dwelling unit
3. Three or more bedrooms	2 stalls per dwelling unit
Hotels, motels	1 stall per 3 employees and 1 stall per guestroom
Clubs, lodges, sororities, fraternities, dormitories, lodging and boarding houses	1 stall per 2 beds

Service institutions:

- | | |
|--|---|
| 1. Hospitals | 1 stall per 2 beds and
1 stall per 3 employees |
| 2. Sanitariums, institutions, rest and nursing homes | 1 stall per 4 beds and
1 stall per 3 employees |

Medical and dental clinics	6 stalls per doctor
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Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 seats or 1 stall per 100 square feet, whichever is greater
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Schools:

- | | |
|-----------------------------------|--|
| 1. Elementary schools | 1 stall per employee |
| 2. Colleges and secondary schools | 1 stall per employee and
1 stall per 5 students |

Retail sales and services:

- | | |
|---|---|
| 1. Restaurant, bars, or lounges | 1 stall per 50 square feet of gross floor area or 1 stall per 6 seats, whichever is greater |
| 2. Financial institutions, businesses, governmental, and professional offices | 1 stall per 300 square feet |
| 3. Funeral homes | 1 stall per 4 seats or 1 stall per 100 square feet, exclusive of embalming facilities, whichever is greater |
| 4. Bowling alleys | 5 stalls per alley |
| 5. All other retail sales and services, including shopping centers | 1 stall per 250 square feet gross floor area |

Manufacturing and processing plants, laboratories, warehouses, and wholesale sales	1 stall per 2 employees
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- (j) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (k) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
 - (1) The proposed joint parking space is within five hundred (500) feet of the use it will serve.
 - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument approved by the Common Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.
- (l) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (m) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (n) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district and not over two hundred (200) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served.

- (2) Off-lot parking spaces for residential uses shall be within two hundred (200) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within four hundred (400) feet of the entrance of the establishment.
- (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (o) **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this Chapter.
- (p) **Lighting.** Lighting used to illuminate off-street parking shall have no direct source of light visible from a street or adjacent land.
- (q) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

SEC. 13-1-93 HIGHWAY ACCESS.

- (a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

SEC. 13-1-94 TRUCK LOADING AREAS AND PARKING SPACES.

Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials, and supplies by truck and those using trucks in their business or operation.

SEC. 13-1-95 THROUGH SEC. 13-1-99 RESERVED FOR FUTURE USE.

ARTICLE H

Signs

SEC. 13-1-100 PURPOSE.

The purpose of these sign regulations is to promote health, safety, general welfare, and order within the City of Park Falls through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, use, and/or display of devices, signs, or symbols serving as a visual communication media to persons situated within or upon public right-of-way or properties. With this purpose in mind, it is the intention of this Section to authorize signs which are:

- (a) Compatible with their surroundings.
- (b) Appropriate to the activity to which they pertain.
- (c) Expressive to the identity of the individual properties or the community as a whole.
- (d) Legible in the circumstances in which they are seen.
- (e) Safely located with respect to passing vehicular and pedestrian traffic.
- (f) It is further the intent of this Section to prohibit signs which:
 - (1) Prevent or inhibit adequate light, air, or ventilation.
 - (2) Inhibit the safety of vehicular or pedestrian traffic by actual physical or visual impairment or obstruction.
 - (3) District from the aesthetics of the location, area, and community as a whole.

SEC. 13-1-101 PERMITTED SIGNS.

- (a) All signs are prohibited in the R-1, R-2, and W-1 Districts except the following:
 - (1) All signs over show window 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 (2) feet in height and ten (10) feet in length.
 - (2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (3) Name, occupation, and warning signs not to exceed two (2) square feet located on the premises.
 - (4) Bulletin boards for public, charitable, or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
 - (5) 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.
 - (6) Official signs, such as traffic control, parking restrictions, information and notices.
 - (7) Temporary signs or banners when authorized by the Zoning Administrator.

- (8) Billboards/signs shall be permitted in a W-1 District upon authorization of the Plan Commission and approval of the Common Council.
 - (9) Sign for a home occupancy business provided the sign is a flat unlit wall mounted sign not exceeding four (4) square feet.
- (b) Signs are permitted in the C-1 and I-1 Districts subject to the following restrictions:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed twenty (20) feet in height above the mean centerline street grade.
 - (2) Projecting signs fastened to, suspended from, or supported by structures, shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any required yard, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of thirty (30) feet above the mean centerline street grade, and shall not be less than ten (10) feet above the sidewalk or less than fifteen (15) feet above a driveway or an alley.
 - (3) Ground signs shall not exceed forty (40) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed three hundred ten (310) square feet on one (1) side nor six hundred twenty (620) square feet on all sides for any one (1) premises.
 - (4) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.
- (c) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (d) (1) A person may erect a ground sign that is not in accordance with this Section provided:
- a. The erection of the ground sign is not in violation of any other Section of this Code of Ordinances;
 - b. The ground sign is not erected in a public right-of-way, side yard or backyard;
 - c. An application and application fee is submitted to the City Clerk-Treasurer by the person intending to erect this ground sign; and
 - d. The permit is approved by the Zoning Administrator.

The City Clerk-Treasurer shall charge a fee for the processing of the aforementioned permit application to cover costs and expenses associated with the processing of the application as determined by the Common Council.

(2) A person or business that requires the use of multiple identical ground signs may apply for a multiple ground sign use permit under the requirements of this Subsection, provided the person or business notifies the office of the City Clerk-Treasurer of the placement of each identical ground sign forty-eight (48) hours prior to the placement of each ground sign. The City shall reserve the right to deny the placement of an individual ground sign to a multiple ground sign permit holder. The city Clerk-Treasurer shall charge a fee for the processing of the permit application to cover the costs and expenses associated with the processing of the application for multiple ground signs as determined by the Common Council. In the event that the applicant has multiple signs that are like in kind, the applicant shall only be responsible for payment of one (1) application fee per calendar year; however, the applicant shall be responsible for notifying the City Clerk-Treasurer of the placement of all signs during the course of the calendar year.

(e) Electronic signs are permitted under the following restrictions:

- (1) Electronic sign may not be erected unless the Board of Public Works first approves the sign and directs the Zoning Administrator to issue a sign permit.
- (2) No more than one (1) electronic sign per premise regardless of the size or location of the premises, or the location or type of mounting of the electronic sign.
- (3) Messages must be static and not scrolling. Overhead wiring to or from any electronic sign is prohibited.
- (4) All electrical systems for electronic signs must be wired to comply with the National Electric Code.

SEC. 13-1-102 PROHIBITED SIGNS.

The following signs are specifically prohibited by this Article:

- (a) Signs which obstruct the vision of drivers or pedestrians or detract from the visibility of any official traffic control device.
- (b) Electronic signs that are rolling. Exemptions are time and temperature information.
- (c) Permanent signs which consist of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices for private or commercial purposes.
- (d) Signs or posters which are tacked on trees, fences, utility poles, or other such permanent supports within the public right-of-way.

- (e) No person shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. The Zoning Administrator may issue special permits for the parking of advertising vehicles for a period not to exceed five (5) days per location.
- (f) Off-premise signs erected after January 1, 2014.
- (g) Signs not in compliance with Wisconsin DOT Trans 201 as may be amended.

SEC. 13-1-103 COMPUTATION OF NUMBER AND SQUARE FOOTAGE OF SIGNS.

- (a) The gross sign area shall be the area within the single continuous line enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. It does not include any structural or framing elements lying outside the limits of such sign surface and not forming an integral part of the display.
- (b) In computing the number and square footage of signs, all signs other than those allowed in Section 13-1-101 and signs on windows shall be included.

SEC. 13-1-104 MAINTENANCE AND REMOVAL.

- (a) All signs and sign structures shall be kept in good repair. Responsibility for the maintenance and removal of signs and structures rests first with the sign owner and secondly with the property owner.
- (b) At the termination of a business, commercial, or industrial enterprise, all signs shall be removed if the building and/or property remain vacant after six (6) months. Responsibility for removal in this case rests with the property owners, according to the latest official tax roll listing.
- (c) Vacant lots upon which signs now exist or are erected in the future shall be maintained in an orderly fashion by the removal of rubbish and maintenance of any plants growing on the lot.
- (d) If any sign is in violation of this Article or becomes damaged or dilapidated, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located, in person or by mail, addressed to the last-known post office address of such owner to repair or remove the sign. If the order is not complied with within thirty (30) days of serving the notice, the Zoning Administrator shall cause the sign and structure to be razed and the cost thereof assessed as a special charge against the property on which the sign was located.
- (e) Any unauthorized sign or sign structure in a street right-of-way or on public property may be removed and destroyed by the Zoning Administrator or his designee without notice.

SEC. 13-1-105 THROUGH SEC. 13-1-109 RESERVED FOR FUTURE USE.