

## DIVISION 9. ACCESSORY LAND USES

### **Sec. 130-521. Generally.**

Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. With the exception of a commercial apartment (see section 130-522), or a farm residence (see section 130-523), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished in an architectural style complementary to and with materials complementary to the principal residential buildings in the neighborhood. Accessory uses shall not be located between a principal building and a street frontage on the same lot, or within any required front yard or street side yard.

(Ord. No. 1997-18, § 13(17.70(8)), 1-19-1998)

### **Sec. 130-522. Commercial apartment.**

Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use (as designated in division 5 of this article), most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses. The following regulations are applicable to this use:

- (1) Permitted by right: B-2.
- (2) Conditional use regulations: B-1, B-3, B-4.
  - a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
  - b. A minimum of one off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for purposes of this requirement with the approval of the zoning administrator. These requirements shall be waived for businesses in the B-2 district.
  - c. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(a)), 1-19-1998)

### **Sec. 130-523. Farm residence.**

A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in division 3 of this article. The following regulations are applicable to this use:

- (1) Permitted by right: All districts except B-5.
- (2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(b)), 1-19-1998, Ord. 2005-44)

**Sec. 130-524. Detached garage, carport, utility shed, play structure or lawn ornament.**

A private residential garage, carport or utility shed is a building that primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flagpoles, etc., shall be permitted in setback areas, but not closer than three feet to an abutting property line other than a street line. For the purposes of this section, children's play structures, including play houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such structures are placed on a foundation or not. Swing sets, slides, and sandboxes are not considered children's play structures for purposes of this section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit, or on a separate lot in conjunction with a residential land use. The following regulations are applicable to this use:

- (1) Permitted by right. Residential and nonresidential districts, except B-5, per the following requirements:
  - a. In all residential zoning districts, one or more private garages and, except in the RR zoning district, one accessory building not to exceed 150 square feet shall be permitted. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
  - b. In the RR zoning district, two accessory buildings.
  - c. In all nonresidential zoning districts, one accessory structure, not to exceed 1,000 square feet, shall be permitted.
  - d. A detached garage or accessory structure shall not exceed the height of the principal building.
- (2) Conditional use regulations. Agricultural districts. In all agricultural zoning districts, accessory structures in excess of 1,000 square feet shall require a conditional use permit.

(Ord. No. 1997-18, § 13(17.70(8)(c)), 1-19-1998; Ord. No. 2002-4, § 7, 4-9-2002; Ord. No. 2003-7, § 2, 10-14-2003, Ord. 2005-44)

**Sec. 130-525. Company cafeteria.**

A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets state food service requirements, and

which is located on the same property as a principal land use engaged in an operation other than food service. The following regulations are applicable to this use:

- (1) Permitted by right: O-1, B-2, B-3, B-4, B-5, I-1, I-2, I-3.
- (2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(d)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(d)), 9-8-1998, Ord. 2005-44)

### **Sec. 130-526. Company-provided on-site recreation.**

A company-provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Facilities using activity night lighting shall be a conditional use. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: O-1, B-2, B-3, B-4, B-5, I-1, I-2, I-3.
  - a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
  - b. Outdoor recreation facilities using night lighting and adjoining residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity per section 130-270. The bufferyard shall be located at the property line adjacent to the residentially zoned property.
  - c. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
  - d. Such uses shall comply with article II, division 4 of this chapter, pertaining to procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(e)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(e)), 9-8-1998, Ord. 2005-44)

### **Sec. 130-527. Outdoor display incidental to indoor sales and service (more than 12 days).**

For a description of outdoor display land uses, see section 130-404. The following shall apply to outdoor display incidental to indoor sales and service for more than 12 days:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: B-3, B-4, B-5, I-2.
  - a. Such uses shall comply with all conditions of section 130-404.
  - b. The display area shall not exceed 25 percent of the gross floor area of the principal building on the site.

- c. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(f)), 1-19-1998, Ord. 2005-44)

**Sec. 130-528. In-vehicle sales and services incidental to on-site principal land use.**

For a description of in-vehicle sales and service uses, see section 130-407. The following shall apply to in-vehicle sales and service uses incidental to an on-site principal land use:

- (1) Permitted by right: B-4 and B-5, as regulated in section 130-407.
- (2) Conditional use regulations: B-3, I-1.
  - a. Such uses shall comply with all conditions of section 130-407.
  - b. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(g)), 1-19-1998; Ord. No. 2002-11, § 2, 11-12-2002, Ord. 2005-44)

**Sec. 130-529. Indoor sales incidental to storage or light industrial land use.**

Indoor sales incidental to storage or light industrial land use include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site. The following regulations are applicable to this use:

- (1) Permitted by right: B-5, I-1, I-2, I-3.
  - a. Adequate parking shall be provided for customers. Such parking shall be in addition to that required for customary light industrial activities.
  - b. The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
  - c. Such uses shall provide restroom facilities directly accessible from the retail sales area.
  - d. The retail sales area shall be physically separated by a wall from other activity areas.
- (2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(h)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(h)), 9-8-1998, Ord. 2005-44)

**Sec. 130-530. Light industrial activities incidental to indoor sales or service land use.**

Light industrial activities incidental to indoor sales or service land use include any light industrial activity conducted exclusively indoors that is incidental to a principal land use such as indoor sales or service, on the same site. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: B-2, B-3, B-4, B-5, I-1.
  - a. The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
  - b. The production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by this chapter for all adjacent properties.
  - c. Such uses shall comply with article II, division 4 of this chapter, pertaining to procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(i)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(i)), 9-8-1998, Ord. 2005-44)

**Sec. 130-531. Home occupation\* .**

It is the intent of this section to provide a means to accommodate a small home-based family or professional business without the necessity of rezoning from a residential to a commercial district. Approval of an expansion of a home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. Home occupations are economic activities performed within any single-family detached residence which comply with the following requirements. Examples include personal and professional services and handicrafts which comply with all of the following requirements:

- (1) Permitted by right: All districts, except I-1, I-2, I-3.
  - a. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
  - b. There shall be no exterior alterations that change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
  - c. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
  - d. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
  - e. Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three square feet.
  - f. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

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\* **Cross references:** Businesses, ch 22.

- g. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agencies and computer-based consulting and clerical services.
- h. A permitted home occupation shall not occupy more than 30 percent of the floor area of the dwelling.
- i. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one nonresident employee.
- j. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

(2) Conditional use regulations:

- a. The plan commission may approve home occupations in residential districts which do not meet the standards in subsection (1) of this section as conditional uses. The standards in article II, division 4 of this chapter shall be applicable.
- b. The type and number of equipment or machinery used on the conditional use site may be restricted by the plan commission.
- c. Sale or transfer of the property or expansion of the home occupation shall cause the conditional use permit to be null and void.

(Ord. No. 1997-18, § 13(17.70(8)(j)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(j)), 9-8-1998)

**Sec. 130-532. Family day care home (four to eight children)\*.**

Family day care homes are occupied residences in which a qualified person provides child care for four to eight children. The care of less than four children is not subject to the regulations of this chapter. The following regulations are applicable to family day care homes:

- (1) Permitted by right: Agricultural and residential districts.
- (2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(k)), 1-19-1998)

**Sec. 130-533. Intermediate day care home (nine to 15 children)\*.**

Intermediate day care homes are occupied residences in which a qualified person provides child care for nine to 15 children. The following regulations are applicable to this use:

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\* **State law references:** Family day care homes, Wis. Stats. § 66.304.

\* **State law references:** Family day care homes, Wis. Stats. § 66.304(2).

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: Agricultural and residential districts.

(Ord. No. 1997-18, § 13(17.70(8)(l)), 1-19-1998)

**Sec. 130-534. Migrant labor camp.**

Migrant labor camps include any facility subject to the regulations of Wis. Stats. § 103.90. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: Agricultural districts.
  - a. Such uses shall be surrounded by a bufferyard along all property lines adjacent to properties in residential, office or commercial zoning districts with a minimum opacity per section 130-270.
  - b. A migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the city.
  - c. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

(Ord. No. 1997-18, § 13(17.70(8)(m)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(m)), 9-8-1998)

**Sec. 130-535. On-site parking lot.**

On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed and operative. The following regulations are applicable to this use:

- (1) Permitted by right: O-1, B-2, B-3, B-4, B-5, I-1, I-2, I-3.
  - a. Access to an on-site parking lot shall only be permitted from a collector or arterial street.
  - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
- (2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(n)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(n)), 9-8-1998, Ord. 2005-44)

**Sec. 130-536. Exterior communication devices.**

Exterior communication devices include uses such as satellite dishes, ham radio towers, TV antennas, etc. The following regulations are applicable to this use:

- (1) Permitted by right: All districts.
  - a. Exterior communication devices shall not be located in the excess front or street yards.

- b. Devices must be sited an equal or greater number of feet from any property lines as their maximum height.
- c. The applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.

(2) Conditional use regulations: Not applicable.

(Ord. No. 1997-18, § 13(17.70(8)(o)), 1-19-1998)

**Sec. 130-537. Drive-in financial institution.**

Drive-in financial institutions are facilities that allow customers of banks, credit unions, and other financial institutions to conduct financial transactions while seated in their vehicles. Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. The following regulations are applicable to this accessory use, but not to the bank, credit union, or financial institution itself, which are considered a personal or professional service land use:

(1) Permitted by right: Not applicable.

(2) Conditional use regulations: B-1, B-2, B-3, B-4, B-5.

- a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes.
- b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.
- d. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
- e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
- f. The facility shall provide a bufferyard along all property borders abutting residentially zoned property with a minimum opacity per section 130-270.
- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as canopy supports and landscaped islands. The curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to any property line.

- h. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.
- (3) Parking requirements: If the drive-in facility is not a window or windows in the building that contains the teller and service desks of the bank, credit union, or other financial institution, one space per 50 square feet of gross floor area. In any event, each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window. These requirements may be waived by the plan commission for businesses in the B-2 district, following a request from the applicant.

(Ord. No. 1997-18, § 13(17.70(8)(p)), 1-19-1998; Ord. No. 1998-12, § 5(17.70(8)(p)), 9-8-1998; Ord. No. 2002-11, § 3, 11-12-2002, Ord. 2004-18, Ord. 2005-44)

### **Sec. 130-538. Outdoor commercial food and beverage service.**

Outdoor commercial food and beverage service uses include the sale of food or beverages for on-site consumption on the premises of a restaurant or tavern. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: O-1, B-1, B-2, B-3, B-4
  - a. The size of the outdoor service area shall not be more than 50 percent of the floor area of the restaurant or tavern.
  - b. The outdoor service area shall lie within the same parcel as the restaurant or tavern and shall not lie within any public right of way.
  - c. The outdoor service area shall not lie within a required bufferyard or a required front, side, or rear yard setback.
  - d. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, all borders of the outdoor service area that abut or would otherwise be visible from the residentially zoned property shall have a bufferyard with a minimum opacity per section 130-270.
  - e. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, no person may occupy the outdoor service area after 9:30 PM.
  - f. No alcoholic beverages shall be served if the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property.
  - g. No alcoholic beverages shall be served unless the liquor, beer or wine license, whichever is applicable, as issued by the state of Wisconsin explicitly states that consumption is permitted within the outdoor service area.

- h. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.
  - i. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons, and no temporary toilet facilities will be permitted.
  - j. Such uses shall comply with article II, division 4 of this chapter, pertaining to procedures applicable to conditional uses.
- (3) Parking requirements: One space per every three patron seats, calculated on the sum of the indoor and outdoor patron seats. This requirement may be waived by the plan commission for businesses in the B-2 district, following a request from the applicant.

[Ord. 2005-14]

**Sec. 130-539. Outdoor furnace.**

An outdoor furnace is an apparatus designed to burn solid or liquid combustible materials (e.g., corn, ear corn, wood, wood pellets, coal, fuel oil) to produce heat and/or heat hot water for a building in which it is not located.

- (1) Permitted by right: A-1, A-2, A-3, RR, I-1, I-2, I-3
  - a. *Type of materials burned.* The following types of materials shall not be burned within an outdoor furnace (1) leaves, (2) rubbish or garbage, (3) waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code, (4) asphalt and products containing asphalt, (5) chemically-treated or painted wood, (6) any plastic material, (7) rubber and synthetic rubber-like products, (8) any material treated with petroleum products or chemicals, and (9) newspaper, corrugated cardboard, container board, paper, and other materials that must be recycled, except that such material may be used as a starter fuel.
  - b. *Performance.* An outdoor furnace shall comply with all applicable standards governing air quality and emissions as may be promulgated and amended by the United States Environmental Protection Agency and the Wisconsin Department of Natural Resources.
  - c. *Furnace certification.* An outdoor furnace shall be certified by a recognized product testing company such as UL, CSA, or ETL.
  - d. *Blower required.* An outdoor furnace shall be fitted with an electro-mechanical-draft combustion system.
  - e. *Heat exchanger.* An outdoor furnace shall be fitted with a secondary heat exchanger, also known as a two-pass heat exchanger.

- f. *Locking device.* An outdoor furnace shall have a child-proof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.
- g. *Limits on when one can be used.* There are no limitations on when during the year an outdoor furnace can be used.
- h. *Placement.* An outdoor furnace shall not be placed closer than 50 feet to the property boundary line of the parcel on which it is located or within the building setback line. Furthermore, an outdoor furnace shall not be located in the front yard or in the street-side yard of a corner lot.
- i. *Separation from combustible materials.* An outdoor furnace shall maintain separation to combustible materials, such as LP tanks, consistent with standards of the National Fire Protection Association.
- j. *Venting stack.* The opening of the venting stack shall meet the standards in table 130-539(1)j. For the purpose of this section, if an adjoining residentially-zoned parcel is vacant, the minimum building setback line shall be used as the edge of the building and the height of the highest eave shall be 12 feet. If when the residential building is constructed the height of the eave is greater than 12 feet, the furnace operator shall at that time raise the stack so as to comply with the height standards in the table.

Table 130-159(1)j. Venting stack heights

<b>Distance to Closest Residence Not Served By Furnace</b>	<b>Minimum Height</b>
50 feet or less	The height of the highest eave of that residence plus 2 feet
More than 50 feet but less than 100 feet	75 percent of the height of the highest eave of that residence plus 2 feet
More than 100 feet but less than 150 feet	50 percent of the height of the highest eave of that residence plus 2 feet
More than 150 feet	25 percent of the height of the highest eave of that residence plus 2 feet

- k. *Manufacturer operating instructions.* Manufacturer operating instructions shall be followed except when in conflict with this section.
- l. *Installation requirements.* An outdoor furnace shall be installed by a licensed contractor consistent with the manufacturer instructions except when in conflict with this section.

- m. *Location of burnable stockpiles.* Stockpiles of burnable materials may be kept inside of a building or out of doors. If kept indoors, the building may not also house the outdoor furnace. If kept outdoors, the stockpiles shall be no closer than 25 feet to the property boundary line of the parcel on which it is located or within the building setback whichever is greater. Furthermore, if kept outdoors, the stockpiles shall not be located in the front yard or in the street-side yard of a corner lot.
  - n. *Storage of corn.* If corn, or other similar food stuff, is burned within an outdoor furnace, it shall be stored in a vermin-proof container.
  - o. *Building permit.* A building permit shall be obtained from the city building inspector prior to the establishment of an outdoor furnace.
- (2) Conditional use regulations: Not applicable
  - (3) Parking requirements: None
  - (4) Subsequent change in zoning designation: If a property owner submits an application to change the zoning designation of a parcel with an outdoor furnace to another designation that does not allow an outdoor furnace and the common council makes the requested change, the outdoor furnace shall cease to operate upon enactment of the ordinance changing the designation.
  - (5) Annual permit required. Prior to the establishment of this use and each year thereafter, the operator of the outdoor furnace shall obtain an annual permit from the city building inspector. The building inspector shall not issue an annual permit when the operator has failed to operate the furnace consistent with this section.

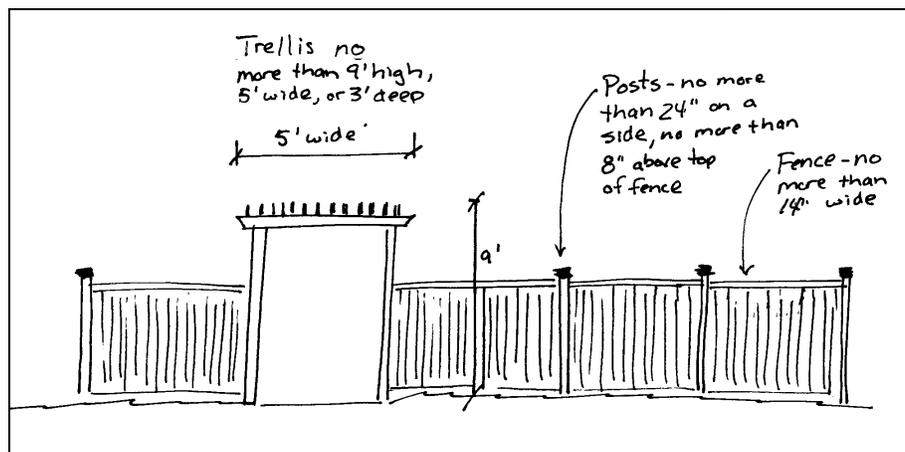
[Ord. 2006-36]

**Sec. 130-540. Fences**

(a) *Applicability.* The requirements of this section apply to fences more than 30 inches in height. All fences constructed or rebuilt after August 14, 2007, are subject to the provisions of this Section 130-540.

(b) *Measurement of fence height.* The height of a

**Exhibit 1. General construction specifications**



fence shall be measured from the adjoining ground surface to the top of the fence material (not the fence post, pole, or column).

(c) *Construction specifications.* A fence shall meet the following construction specifications, some of which are depicted in Exhibit 1:

(1) *Width.* With the exception of vertical supports, the width of a fence shall not exceed 14 inches.

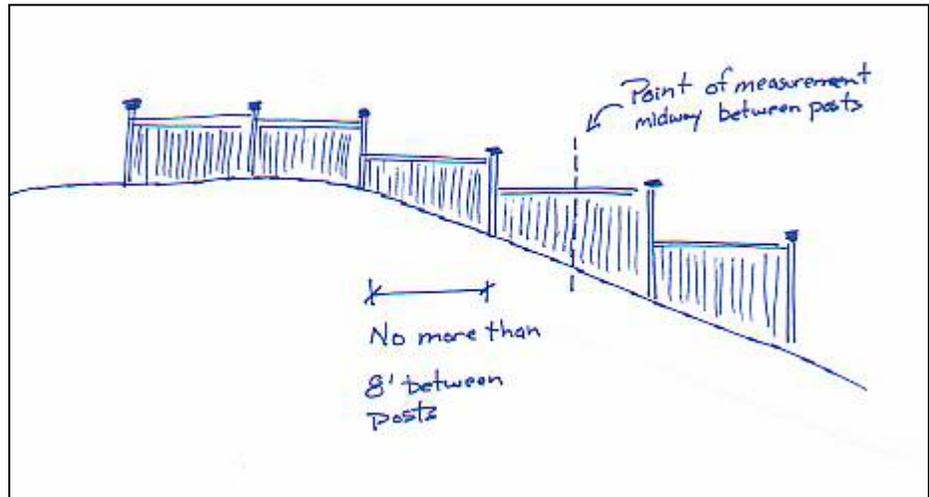
(2) *Height.* The top of a fence shall not exceed the height listed in Exhibit 2. Where a fence is located on a slope and is stepped, each section shall not be wider than 8 feet and the height shall be measured in the middle of the stepped section (Exhibit 3).

**Exhibit 2. Maximum fence height**

<b>Location</b>	<b>Residential Zoning Districts</b>	<b>Commercial Zoning Districts</b>	<b>Industrial Zoning Districts</b>
Front yard	3 feet	3 feet	8 feet
Side yard, street side	3 feet	3 feet	8 feet
Side yard (interior lot)	6 feet	6 feet	8 feet
Rear yard	6 feet	6 feet	8 feet

(3) *Orientation.* All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

**Exhibit 3. Special standards for a stepped fence**



(4) *Materials.* A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. A fence located in a front yard or in a side yard that abuts a street right-of-way shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

- (5) *Vertical support specifications.* A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence.
- (6) *Trellises.* A trellis may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.
- (7) *Arbors.* An arbor may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.
- (d) *Location specifications.* A fence shall meet the following locational specifications (Exhibit 4):

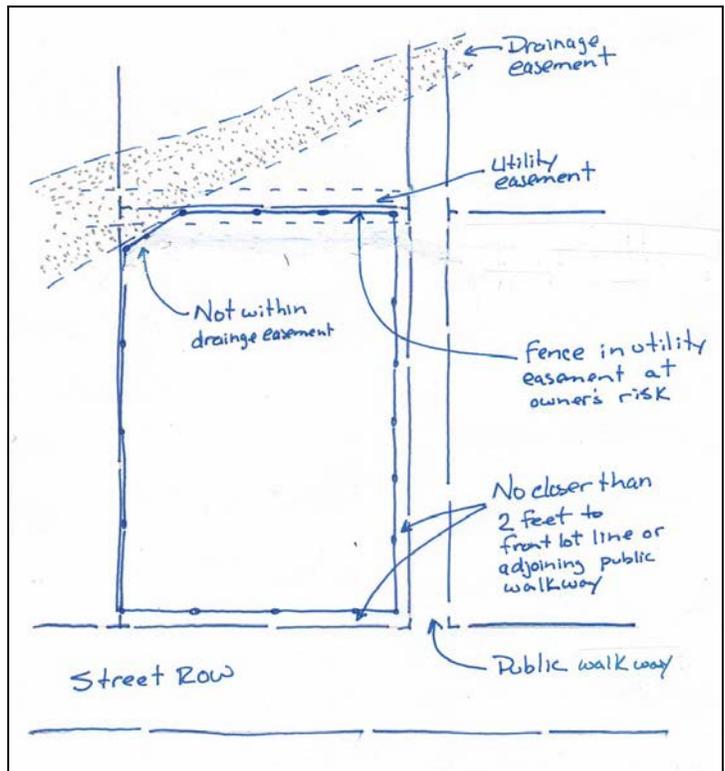
- (1) A fence shall be located on the owner's side of a property line.
- (2) A fence shall not be closer than 1 foot to the front lot line or other property boundary line when adjoining a pedestrian walkway or the like.
- (3) A fence may be placed within a utility easement with the understanding that the utility authority may remove such fence at the property owner's expense and is not liable for any damage to the fence or the reconstruction of the fence.
- (4) A fence shall not be located within a drainage easement. Upon written petition, the building inspector may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of storm water.

(e) *Special standards for fencing around a swimming pool.* A fence may be located around a swimming pool provided it meets the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing.

(f) *Special standards for fencing around a tennis court and the like.* A fence may be located around a tennis court, basketball court, volleyball court, or other sports-related court, provided it meets the following standards:

- (1) The fence shall not exceed 12 feet in height.
- (2) The fence shall not be located within a setback line.

**Exhibit 4. Locational specifications**



- (3) Any portion of the fence above 6 feet in height shall be an open woven wire.
- (g) *Special standards for temporary fencing.* A temporary fence may be used for the duration of a construction project with a valid building permit.
- (h) *Solid masonry fencing.* A solid masonry fence shall not impede the natural flow of storm water.
- (i) *Barbed wire fencing.* Barbed wire fencing is prohibited except as follows:
  - (1) Three courses of barbed wire may be installed above the top line of a 6-foot high chainlink fence when located in an industrial zoning district.
  - (2) Barbed wire may be used when in an agriculturally zoned district.
- (j) *Electric fencing.* Electrically-charged fencing is prohibited except that the building inspector may allow it in an agricultural district when used to retain animals and it will not pose a safety hazard.
- (k) *Maintenance.* A fence shall be maintained in a structurally sound manner.

[Ord. 2007-10]

### **Sec. 130-541. Chicken Keeping**

Chicken keeping includes accommodating and raising chickens, defined as a domestic fowl of the subspecies *Gallus gallus domesticus*, in covered enclosures (coops) and fenced enclosures (runs). Chicken keeping is considered an accessory use. The following regulations are applicable to this use:

- (1) Permitted by Right: Not Applicable
- (2) Special use regulations in Residential Districts, R-1:
  - a. No more than six (6) chickens (female only) on a lot containing a single-family dwelling only.
  - b. Not allowed on residential lots containing two (2) or more dwelling units.
  - c. Keeping of roosters is prohibited.
  - d. Slaughter of chickens is prohibited on site.
  - e. The chickens shall be provided with and kept in a structurally sound covered enclosure (coop) and an attached fence enclosure (run). The enclosures must be maintained in good repair and kept free from rodents and other vermin. The fence of the run shall be of sufficient opacity or webbing to contain a chicken.
  - f. The coop and run shall be located in a rear yard only and shall be a minimum of ten (10) feet from any residential structure on any adjacent lot. The coop and run shall not be located in side, street side or front yards, or setback areas.

- g. The total area of the coop and run shall not exceed one-hundred fifty (150) square feet in footprint area and ten (10) feet in height. The total area of the coop shall be a minimum of four (4) square feet per chicken. The total area of the run shall be a minimum of six (6) square feet per chicken. The coop and run are considered an accessory building as defined in Section 130-6.
- h. Chickens shall not be allowed to be kept within a residential dwelling or garage.
- i. Any electrical work on or in the coop and run requires an electrical permit from the building inspector.
- j. Any chickens not contained within the coop or run shall be subject to the provisions of Sec. 14-3. Running at Large. The City reserves the right to apply other provisions in Section 14 as may be appropriate to regulate the keeping of chickens.
- k. A Chicken Keeping Permit shall be approved and issued after:
  - (3) An application for a permit to construct, erect, alter, remodel or add a coop or run is submitted in writing to the City Inspector for approval before any work begins.
  - (4) No work or any part of the work shall be commenced until a written permit for such work is obtained.
  - (5) Before coop and run can be occupied by chickens, the City Inspector shall do a final on-site inspection.
  - (6) An application for a permit is renewed yearly.
  - (7) Initial and renewal permits shall pay a fee as determined from time to time by Common Council, but not less than Twenty (20) Dollars.
  - (8) Renewals of Chicken Keeping permits shall be denied if the applicant has been documented and notified of being in violation of Section 130-541 and/or Chapter 14 in the previous six (6) months.

[Ord. 2016-18]

**Secs. 130-542--130-560. Reserved.**