

## Article B: General Provisions

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### Sec. 13-1-20 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 Osseo. The provisions of this Chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this Chapter.
- (b) **Compliance.** No new structures, 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) **Yard Reduction or Joint Use.**
  - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
  - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every 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.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- (g) **Relationship with Other Laws.** Where the conditions imposed by any part of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinances, resolutions, rules or regulations

of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.

- (h) **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 applicable state laws.

### **Sec. 13-1-21 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 but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
  - (1) Classes of Conditional Uses. Conditional uses may be either denominated “regular” or “limited.” and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval in accordance with Article E of this Chapter excepting those existent at time of original adoption of the Zoning Code.
  - (2) General Conditional Use Provisions. Provisions applicable to conditional uses generally:
    - (a) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission and Common Council in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code, when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval in accordance with Article E of this Chapter.
    - (b) 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 Common Council, upon the recommendation of the Plan Commission, for them to continue as valid conditional uses, and the same shall be deemed to be “regular” conditional uses.
    - (c) Proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Common Council, upon the recommendation of the Plan Commission, in accordance with Article E of this Chapter.
    - (d) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional uses(s),

or establishment of new conditional use(s) shall require review, public hearing and approval by the Common Council, upon the recommendation of the Plan Commission, in accordance with Article E of this Chapter.

- (e) Provisions in this Chapter relating generally to Conditional Uses, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provisions would then control) shall be deemed to be applicable to both regular and limited conditional uses.

(3) Specific Regular Conditional Use Provisions. Provisions applicable specifically to regular conditional uses:

- (a) Regular conditional uses, either allowed by action of the Common Council, upon the recommendation of the Plan Commission, or existent at time of adoption of this Code, shall be non-lapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional uses(s) of same or similar type without approval of the Common Council, upon the recommendation of the Plan Commission. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Article E.
- (b) See Subsection (c)(2)a above as to conditional uses existent at time of adoption of this Code being deemed to be regular conditional uses.

(4) Specific Limited Conditional Use Provisions. Provisions applicable specifically to limited conditional uses:

- (a) Limited conditional uses authorized by the Common Council, upon the recommendation of the Plan Commission, 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.
- (b) Limited conditional uses authorized by the Common Council, upon the recommendation of the Plan Commission, shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Common Council approval and the procedures required in Article E of this Chapter.

(d) **Uses Not Specified in Code.**

- (1) Uses not specified in this Chapter which are found by the Common Council, upon the recommendation of 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 Common Council, upon the recommendation of the Plan Commission, after public hearing and approval in accordance with Article E of this Chapter.
- (3) Conditional uses authorized by the Common Council may be established for a period of time to a time certain or until a future happening or event at which the same shall terminate, such as a change of ownership or occupancy.

- (4) Conditional uses authorized by the Common Council shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Common Council approval and the procedures required in Article E of this Chapter.
  - (5) Those existing uses which are classified as “conditional uses” for the district(s) in which they are located at the time of original adoption of this Chapter require no action by the Common Council for them to continue as valid conditional uses, and same shall be deemed to be “regular” conditional uses.
- (e) **Classification of Unlisted Uses.** Any use not specifically listed as a permitted use or a conditional use in the district established in Article C shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of a question as to the classification of an unlisted use, the question shall be submitted to the Common Council for determination, following a recommendation from the Plan Commission, in accordance with the following procedure:
- (1) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Common Council to facilitate the determination.
  - (2) **Investigation.** The Common Council shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Chapter and to recommend its classification.
  - (3) **Determination.** The determination of the Common Council shall be rendered in writing within sixty (60) days from the application and shall include findings supporting the conclusion. The Common Council shall determine if the classification of the unlisted use is a permitted use conditional use or prohibited use in one (1) or more of the districts established in Article C.
  - (4) **Effective Date of Determination.** At the time of this determination of the classification of the unlisted use by the Common Council, the classification of the unlisted use shall become effective.
  - (5) **Appeals.** The classification determination by the Common Council under this Subsection may be appealed to the Zoning Board of Appeals pursuant to Sections 13-1-280 through 13-1-282.

### **Sec. 13-1-22 Site Regulations.**

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet at the front setback line; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.

- (b) **Principal Structures.** All principal structures shall be located on a legal lot. Except in the case of planned unit developments, not more than one (1) principal building or use and two (2) accessory structures, including a private garage, may be located on a lot in any residential district. The Common Council may permit as a conditional use pursuant to Article E or a planned unit development under Article D more than one (1) principal structure per lot in any district where unique characteristics exist and more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Common Council may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** All lots shall abut a public street or City-approved private road or way which is constructed to applicable City standards. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Lots Abutting More Restrictive Districts.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- (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 recommendation that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she 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 Common Council, upon the recommendation 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) **Setbacks – Decks, Porches and Fireplace Chases.** For purposes of this Chapter, decks, porches and fireplace chases shall be considered a part of a building or structure for determining setback compliance.
- (h) **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.
- (i) **Obstructions on Unplatted Lands.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- (j) **Prohibited Dwelling Units.** No cellar, basement or unfinished home, garage, tent, recreational vehicle, trailer or accessory building shall, at any time, be used as a dwelling unit, except mobile homes located in an approved mobile home park. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the building and housing codes.
- (k) **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. The Zoning Administrator may impose conditions on such temporary uses.
- (l) **Screening Regulations.** Any use required by this Chapter to be screened shall meet applicable buffer yard and screening requirements, specifically Section 13-1-25.
- (m) **Number of Permitted Tenants.** No owner of any dwelling shall lease or enter any lease of any one (1) dwelling unit to more than six (6) persons not related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit and using common cooking facilities, or more than ten (10) persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State of Wisconsin.
- (n) **Yard Reduction or Joint Use.**
  - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

- (2) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.
- (o) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with.
- (p) **Area Required for Rubbish Containers.** On all premises on which there will be constructed after the effective date of this Chapter a new structure which will house six (6) or more dwelling units, any existing building converted to six (6) or more dwelling units after such date, or any rooming house or other residential structure having six (6) or more occupants, there shall be provided a sufficient area as determined by the Plan Commission for screened refuse/recycling collection containers. Such areas shall not be located in the front or street side yard and shall be accessible by motorized vehicles or other motorized equipment. Such areas shall not be a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a permit.

### **Sec. 13-1-23 Modifications; Height, Area and Setback Exceptions.**

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
  - (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
  - (2) Architectural structures, such as elevator penthouses, gas tanks, grain elevators, scenery lots, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this Chapter.
  - (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
  - (4) Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
  - (5) Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
  - (6) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
- (1) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
  - (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, etc., may project into any required yard; but such projection shall not exceed two (2) feet.
  - (3) Essential services, utility electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
  - (4) Landscaping and vegetation are exempt from the yard requirements of this Chapter, with the exception that any landscaping or vegetation shall be subject to the restrictions in Section 13-1-90.
  - (5) Required street yards may be decreased to the average of the existing street yards of the abutting structures on each side.
  - (6) Miscellaneous. The following shall not be considered to be encroachments on yard and setback requirements: posts, off-street open parking spaces, yard lights, flues, sills, pilasters, lintels, cornices, eaves, gutters, open terraces, awnings, open canopies, steps, flag poles, open fire escapes, sidewalks and fences meeting all requirements of this Chapter.
- (c) **Average Building Setbacks.** In Residential and Business Districts, except for corner lots, required setbacks shall be modified in the following cases:
- (1) **Average Front Yards.** The required front yards may be decreased in any residential or business district to the average of the existing street yards of the abutting principal structures on each side. Where fifty percent (50%) or more of the frontage on a block is occupied by principal structures having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.
  - (2) **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- (d) **Corner Side Yards.** The required side yard on the street side of corner lots shall be at least fifty percent (50%) greater than the minimum specified for the district.

**Sec. 13-1-24 Reduction or Joint Use. Parcels Not Served by Public Sewer or Water.**



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.

In any location where the Common Council determines that public water service or public sewage service is not in the public interest due to excessive cost, terrain, etc., the lot shall have a minimum area of two (2) acres, have adequate soils for the construction and operation of private individual sewage treatment and private individual water systems, and sufficient area for at least one (1) replacement private sewage treatment system according to Ch. COMM 83, Wis. Adm. Code. Such determination shall be made by the Common Council based on whether unique circumstances exist and the overall well-being and best interests of serving the citizenry with public sewer/water facilities are safeguarded.

### **Sec. 13-1-25 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 existing or proposed uses on adjacent properties, the following standards in Subsections (b) and (c) 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, upon the recommendation of the 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. The design of all screens shall be approved by the Zoning Administrator.

### **Sec. 13-1-26 Filling Activities.**

- (a) **Purpose.** The purpose of this Section is:
  - (1) To regulate filling activities in order to avoid or mitigate negative impacts of changes to existing drainage patterns.
  - (2) To monitor the amount and type of material brought into the City or transferred between sites within the City of Osseo.
  - (3) To prevent the creation of hazardous conditions or nuisances from filling activities.

- (4) To prevent conflict with the installation of future underground public utilities.
  - (5) To promote the public health, safety and general welfare of the citizens of the City of Osseo without preventing the reasonable development of land.
  - (6) To encourage site development on public and private property in such a manner as to minimize hazards to life, health, property and natural resources.
  - (7) To preserve and enhance the City's physical and aesthetic character.
  - (8) To minimize surface water runoff and diversion which may contribute to flooding and erosion.
  - (9) To reduce siltation in the City's streams and storm sewer system, and public roadside improvements, and in area streams and waterways.
  - (10) To promote building and site planning practices that are consistent with the City's natural topography, soils, and vegetative features.
  - (11) To implement and further the City's Comprehensive Plan and its components.
- (b) **Scope.** This Section is not intended to apply to businesses such as landscaping, nurseries, excavating businesses, or others that regularly stockpile fill material as defined herein, on the same property as the business. This Section does not apply to activities regulated by the State of Wisconsin pursuant to NR 718, Wis. Adm. Code "Management of Solid Waste Excavated During Remedial Actions", or any successor regulation.
- (c) **Definitions.** For purposes of this Section, the following definitions shall apply:
- (1) **Acceptable Organic Materials.** Wood chips, shredded or chopped bark, sawdust, or similar material.
  - (2) **Acceptable Earth Materials.** Soil, topsoil, clay, sand, gravel, rock, stone, or other similar material.
  - (3) **Acceptable Fill Material.** Acceptable organic materials and acceptable earth materials as defined above, which are free from cinders, ashes, refuse, soft or plastic clays, and vegetable or other similar organic matter such as food waste, trees, branches, or stumps. Acceptable fill material shall be capable of being compacted. Up to ten percent (10%) of acceptable fill material may be cobbles (small boulders) or bricks, not more than twenty-four (24) inches in size in any direction.
  - (4) **Completed Application.** An application which meets all of the requirements as set forth in this Section, and which has been submitted to the City along with the required number of copies and required fee.
  - (5) **Fill Material.** Any material of any description which is capable of being deposited on land.
  - (6) **Filling; Filling Activities.** Any depositing or stockpiling of any fill material.
- (d) **Prohibitions.**
- (1) No person shall engage in any activity that involves fill material without a permit, except as provided by this Section.

- (2) No person shall use in any fill material *anything* other than acceptable fill material as defined in this Section.

(e) **Permit Required; Exceptions.**

- (1) A permit shall be required for any activity that involves fill material as defined herein being brought onto a property from an off-site location.
- (2) A permit is not required for the following fill activities:
  - a. When the total amount of fill material to be brought onto a property is less than fifty (50) cubic yards. A permit is required when the cumulative total amount of fill material brought onto a property over any period of time, starting with the original effective date of this Section, is fifty (50) cubic yards or greater, even though an individual fill activity may involve less than fifty (50) cubic yards of fill.
  - b. When the fill material is to be brought onto a site for a public improvement project which has been duly authorized by the appropriate public agency or agencies. For the purposes of this Section, a public improvement project shall be defined as a project funded with federal, state or municipal monies such as roads, utilities, parks, public buildings, or similar projects.
  - c. The construction of any use which is subject to site plan review in accordance with the requirements of this Zoning Code.
  - d. Ground restoration activities for public utility construction.

(f) **Application.**

- (1) An application for a fill permit shall be made by the land owner and shall be filed with the Zoning Administrator who shall provide the application form. The application shall include a fee as determined by Common Council resolution from time to time.
- (2) An application for a fill permit shall contain the following information:
  - a. The address and signature of the property owner and the business address of the person who will conduct the filling operation;
  - b. The tax parcel number of the property where the fill activity will take place;
  - c. The nature of the proposed project, the type of fill material to be brought onto the site, an estimate of the number of cubic yards of materials involved, and the depth and composition of proposed fill materials;
  - d. A statement of the manner in which the project work is to be completed, the kind of equipment proposed to be used, and the estimated frequency of vehicle trips;
  - e. The proposed route which the applicant proposed to use over the public streets and over private property in transporting fill materials;
  - f. The time within which the project is to be commenced after the granting of the permit and the time when it is to be completed;

- g. The measures that will be taken by the applicant to control noise, vibration, dust, and traffic, and the measures that will be provided during the project to prevent soil, dust, or other materials from being deposited on adjoining lands or public or private streets or in waterways through erosion by wind or water;
- h. A description of any traffic control devices, public facilities, or public services which will be required for the proposed operation, and a statement indicating how these will be provided;
- i. Any measures which the applicant proposes to take to insure public safety, especially the prevention of trespass by children or recreational vehicles on land where filling activities may create a hazardous situation.
- j. A drawing of the property which shall contain the following information unless waived by the Zoning Administrator:
  - 1. North arrow,
  - 2. The dimensions of the lot and acreage,
  - 3. Dimensions of area to be filled and proposed phasing and method of stabilization for each phase,
  - 4. The location of all roads bordering or on the property,
  - 5. The location of any power or gas lines on the property,
  - 6. The location of any easements on the property,
  - 7. Existing drainage patterns on the site,
  - 8. Natural features, such as significant vegetation, bodies of water, wetlands, and streams on the site as well as within five hundred (500) feet of the site,
  - 9. The location, size and use of buildings, structures, or other improvements on the land to which the Permit is to apply, as well as any buildings, structures, or other improvements within one hundred (100) feet of the property to which the Permit is to apply,
  - 10. Ingress and egress to the property,
  - 11. If the estimated fill volume is five hundred (500) cubic yards or more, a drawing of the property as a scale not to exceed one (1) inch equals two hundred (200) feet, showing any driveways or roads within one hundred twenty-five (125) feet of the driveway to the site, and which must illustrate existing and proposed contours at four (4) feet intervals (minimum) on the site and extending one hundred (100) feet beyond the boundaries of the site. Such contours shall be certified by a registered engineer, surveyor, or landscape architect.
  - 12. Additional information as the Zoning Administrator may reasonably require to assist in reviewing the application.
- k. The names and addresses of all owners of property within two hundred (200) feet of the property where the fill activity will take place.

- (3) The applicant shall submit two (2) copies of the application if the estimated fill volume is greater than fifty (50) and less than five hundred (500) cubic yards. The applicant shall submit eighteen (18) copies of the application if the estimated fill volume is five hundred (500) cubic yards or more.
- (g) **Notice to Neighboring Landowners.** Upon receipt of a completed application, the Zoning Administrator shall by regular mail provide notice of the application to the record address of all owners of property within two hundred (200) feet of the property where the fill activity will take place. The notice shall inform each owner of a right to file comments on the application within two (2) weeks of the date the notice is mailed.
- (h) **Review by Zoning Administrator.** The Zoning Administrator shall approve or disapprove all applications for fill activities involving between fifty (50) and five hundred (500) cubic yards of fill material. The Zoning Administrator may, however, refer any such application to the Plan Commission and Common Council for review and disposition. If, in the opinion of the Zoning Administrator, the proposal described in the application is in compliance with the requirements of this Section, and if the application is for a permit involving less than five hundred (500) cubic yards, a fill permit shall be issued to the applicant. If the applicant or the proposal described therein does not meet the requirements of this Section, the Zoning Administrator shall so notify the applicant in writing, stating the reasons for denial of the permit. Any person or party who is adversely affected by a decision of the Zoning Administrator under this Section may appeal such decision as provided in Article N of this Chapter.
- (i) **Review by Plan Commission and Common Council.** The Zoning Administrator shall review for completeness and compliance with this Section all applications for fill activities involving over five hundred (500) cubic yards of fill material. The Zoning Administrator shall return to the applicant any application that is not a completed application. After review and recommendation by the Plan Commission, the Village Board shall approve, disapprove or conditionally approve all completed applications for fill activities involving over five hundred (500) cubic yards of fill material, and any completed application for less than five hundred (500) cubic yards of fill material referred by the Zoning Administrator for Common Council decision under Subsection (h), pursuant to the procedures set forth below:
- (1) The Zoning Administrator shall place the application on the next appropriate Plan Commission agenda for a public hearing. The Zoning Administrator shall follow the public hearing notification procedures as set forth in Section 13-1-241.
  - (2) The Plan Commission shall hold a public hearing on the application and shall make recommendation on the application based on the information presented to it.
  - (3) The Plan Commission may recommend to approve, deny, modify, or approve with conditions the application.
  - (4) If the proposed operation is in compliance with the requirements of this Section, the Plan Commission shall recommend the application for approval.

- (5) The Common Council shall consider the recommendation of the Plan Commission, and if it determines that the proposed operation is in compliance with the requirements of this Section, it shall instruct the Zoning Administrator to issue a fill permit. If the proposed operation fails to meet the requirements of this Section, the Common Council shall deny the permit and instruct the Zoning Administrator to notify the applicant, in writing, of the reasons for denial.

(j) **Standards for Approval.** The following standards shall serve as the basis for decisions involving fill permits. In making the following determinations, the Zoning Administrator or Plan Commission and Common Council, as the case may be, shall take into account any comments received in response to the notice provided under Subsection (g) above. In order to issue a permit, the Zoning Administrator or Common Council, as the case may be, must find that each of the following standards is met:

- (1) The operation shall not interfere with existing drainage patterns. If the fill does interfere with existing drainage patterns, the applicant shall bear the burden of establishing that the interference does not have a negative impact on adjoining properties or on other properties, streams, or waterways, including, but not limited to, the creation or contribution to landslides, flooding, erosion, increased turbidity, siltation, or other form of pollution to a water course or water body.
- (2) The operation shall not result in hazardous traffic situations from vehicles entering or leaving the site.
- (3) The operation will be carried out in a manner that will not be detrimental to nearby persons or property by reason of excessive production of traffic, noise, dust, fumes, or odor.
- (4) The fill material is not hazardous, toxic or otherwise a threat to the public health, safety, and general welfare, and complies with the type of fill permitted by this Section.
- (5) The resulting elevation of the land will be compatible with the elevations on adjacent properties.
- (6) The fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- (7) Fill slopes shall not be constructed on natural slopes which are steeper than two (2) horizontal to one (1) vertical.
- (8) The slopes of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes exceeding five (5) feet in depth shall be no steeper than two (2) horizontal to one (1) vertical, except where approved retaining walls are engineered and installed.
- (9) When the owner of any parcel shall raise, lower or alter the level or existing grade of a site by a fill or excavation, he/she shall at his/her own expense protect all adjoining property from encroachment by such fill or from danger of collapse due to such excavation either by the erection of an engineered retaining wall or by sloping the sides of such fill or excavation entirely within the confines of the site in a manner approved by the Zoning Administrator or Common Council.
- (10) Cut and fill slopes shall be provided with subsurface and surface drainage as necessary to retain slope stability.

- (11) The faces of slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces, diversion ditches, sedimentation ponds, straw bales or other devices or methods shall be employed where necessary to control erosion and provide safety. Devices or procedures for erosion protection shall be initiated or installed before grading operations and shall be maintained in operable condition by the owner.
- (k) **Restrictions Governing Permit Holders.** Every person to whom any permit is granted under this Section shall comply with the following:
- (1) The topsoil for the area to be filled shall first be removed before any fill is brought onto the site. If stockpiled on site, the topsoil shall be no higher than twelve (12) feet and comply with Subsection (j)(7) herein.
  - (2) All vehicles transporting fill materials from or to a project over public streets in the City shall follow the truck route approved with the application.
  - (3) The resulting elevation of the land shall be compatible with the surrounding area and the land shall be left in a condition suitable for subsequent development for uses permitted in the zoning district in which the land is zoned.
  - (4) If, at the time the permit is granted, the Zoning Administrator shall determine that any project will present a dangerous condition if left open and unfenced, then such project shall be enclosed by chain link, wire mesh, or snow fence completely surrounding the portion of the land where the project extends; said fence to be not less than four (4) feet in height and to be complete with gates, such gates to be kept locked when operation are not being carried on. Barbed wire shall not be used as part of any such fence.
  - (5) Any fill materials that may be spilled on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
  - (6) Any on-site roads used for the purpose of ingress and egress to the site which are located within three hundred (300) feet of any occupied residential, commercial or industrial establishment must be treated to reduce airborne dust by hand-topping with concrete, asphalt, chemical treatment, or such other means as may be proposed by the applicant and approved by the Zoning Administrator or Common Council at the time a permit is granted.
  - (7) The slopes of the banks of the materials dumped, stockpiled, or used as fill shall not exceed two (2) horizontal to one (1) vertical and shall be compatible with adjoining grades and land uses. However, the Zoning Administrator or Common Council may at the time a permit is granted, prescribe more lenient or stricter requirements.
  - (8) Filling activities shall not interfere with or change existing surface water drainage so as to be detrimental to nearby properties.
  - (9) Any phases of the fill operation are completed, they shall be stabilized by ground cover by the applicant to prevent erosion by wind and water. The Zoning Administrator shall approve the stabilization plan so that continuing fill activities

will avoid newly stabilization plan so that continuing fill activities will avoid newly stabilized areas.

- (10) The Plan Commission or Zoning Administrator may require additional performance standards or stricter performance standards than are provided herein where, because of peculiar conditions, such standards are necessary to achieve the purposes of those regulations. In addition, the Common Council may also attach and impose conditions, restrictions, or requirements as it shall determine are necessary to achieve the purposes of these regulations. Violations of any performance standard, condition, restriction or requirements imposed by the Common Council shall be deemed a violation of these regulations.
  - (11) Conditions imposed by the Zoning Administrator or Common Council shall remain unchanged unless a change is mutually agreed to by the applicant and the Zoning Administrator or Common Council in writing.
  - (12) An authorized inspection official of the City of Osseo may, at all reasonable times enter upon any public or private premises for inspection purposes and may require production of the permit and plans for any and all excavation and topography changes. No person shall interfere with or refuse to permit access to any such premises to such inspector while in the performance of his/her duties.
- (l) **Project Completion.** In order to ensure that fill activities authorized by this Section are carried out to completion, the following procedures shall be followed:
- (1) Upon completion of a project or expiration of a Fill Permit, the applicant shall contact the Zoning Administrator to arrange for an inspection of the site. If the requirements have not been met, the Zoning Administrator shall notify the applicant in writing of the permit deficiencies and shall pursue permit compliance as authorized by this Section.
  - (2) For those permits approved by the Common Council, the above procedure shall be followed. In addition to this, the applicant shall retain the services of a registered engineer or surveyor to certify that the final elevations of the fill activity comply with those illustrated by this Section.
- (m) **Bond and Insurance.** The Common Council or Zoning Administrator may require as a condition to the granting of a permit that the applicant file or deposit with the City Clerk or Treasurer performance securities in the form of a performance bond, cash, certified or cashier's check payable to the City of Osseo, or an irrevocable bank letter of credit, in a form satisfactory to the City Attorney. The Common Council or Zoning Administrator shall, in establishing the amount of the surety, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions, and requirements of these regulations. An engineer may be consulted in determining the amount of the surety, and such consultation costs shall be added to the permit fee. The Common Council may also require, as a condition to the granting of any such permit,



that the applicant deposit a certificate of indemnity company licensed to do business in the State of Wisconsin or a letter of credit, in an amount reasonably relevant to the proposed work to be done as specified by the Common Council, insuring the City of Osseo against any loss or damage specified by the Common Council, insuring the City of Osseo against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his/her behalf, in carrying on any work connected directly or indirectly with the insurance of said permit.

- (n) **Expiration of Permit.** A permit granted under this Section shall be valid for one (1) year, at which time it shall automatically expire. A permit holder may apply to the Zoning Administrator for renewal of a permit upon payment of the renewal fee as set from time to time by the City of Osseo.
- (o) **Suspension or Revocation of Permit.** Any permit granted under these regulations may be suspended or revoked for failure to comply with any provisions of this Section or with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of a permit. The Zoning Administrator or his/her designee may suspend a permit and issue a stop work order if there are grounds to reasonably believe that any provision of this Section or any condition of the permit is being violated. The Common Council or designee may revoke a permit after a hearing held on ten (10) days' written notice to the permit holder stating the grounds for the revocation, and stating the time and place where such hearing will be held.

### **Sec. 13-1-27 Annexation of Territory.**

- (a) **Definitions.** In this Section, the following definitions shall be applicable unless the context clearly requires otherwise:
  - (1) **Assessed Value.** The value for general tax purposes as shown on the tax roll for the year next preceding the filing of any petition for annexation.
  - (2) **Legal Description.** A complete description of land to be annexed without internal references to any other document, and shall be described in one of the following ways:
    - a. By metes and bounds commencing at a monument at the section or quarter section corner or at the end of a boundary line of a recorded private claim or federal reservation in which the annexed land is located and in one of the following ways:
      - 1. By government lot.
      - 2. By recorded private claim.
      - 3. By quarter section, section, township and range.
    - b. If the land is located in a recorded subdivision or in an area subject to a certified survey map, by reference as described in Sections 236.28 or 236.34(3), Wis. Stats.

- (3) **Owner.** The holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his or her interest.
  - (4) **Petition.** Includes the original petition and any counterpart thereof.
  - (5) **Real Property.** Land and improvement thereon.
  - (6) **Scale Map.** A map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village, and that includes a graphic scale on the face of the map.
- (b) **Methods of Annexation.** Annexation procedures used will be pursuant to the Wisconsin Statutes Sections 66.0217, 66.0219, 66.0221, or 66.0223.

### **Sec. 13-1-28 Extension of Utilities Outside Corporate Limits.**

City public utilities will only be extended into and provided to those areas which are within the corporate limits of the City of Osseo at the time of the utility extension unless provided otherwise by intergovernmental agreement.

### **Sec. 13-1-29 Manufactured Homes**

- (a) **Purpose.** The purpose of these provisions is to establish standards governing the appearance and location of manufactured homes. These regulations are intended to allow a mixture of housing types in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been established which regulate the appearance of manufactured homes, allowing in residential zoning districts only those that are acceptably similar in appearance to site-built dwellings on individual lots.
- (b) **Standards.** Manufactured homes shall be considered one-family dwellings for the purpose of this title, provided such structures:
  - (1) Consist of more than one section, with combined width of at least 24 feet, having a minimum floor area of 900 square feet.
  - (2) Have a metallic, wood shake, asphalt or fiberglass shingle roof with a minimum slope of 4:12.
  - (3) Have a minimum 18" eave attached to at least 50% of the perimeter of the roof.
  - (4) Have exterior wall coverings consisting of any of the following materials or combinations thereof:
    - a. Horizontal aluminum, steel or vinyl siding;
    - b. Wood or simulated wood; or
    - c. Brick or stone.
  - (5) Have a permanent foundation meeting the requirements of the state uniform dwelling code and approved by the zoning administrator, which surrounds the

entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

- (6) Are permanently affixed to the foundation with the running gear and towing hitch removed, and have an anchoring system that is totally concealed under the structure.
  - (7) Are constructed and installed pursuant to a zoning permit and building permit and subject to all required inspections to insure that the foundation and all on-site work is constructed to minimum standards and that the manufactured home is assembled on-site to assure that it is in compliance with standards regulating the anchoring of the structure to its foundation and other building requirements. Zoning permit fees shall be as provided in Section 176 of the city zoning code, and building permit fees per Trempealeau County Zoning Department. All manufactured homes shall comply with building code and with all erosion control requirements of the Wisconsin Uniform Dwelling Code, COMM 20-25, Wis. Admin. Code.
  - (8) Comply with all other applicable requirements of the zoning district in which the manufactured home is located, such as, but not limited to, lot size and setback requirements.
- (c) **Accessory Structures.** An attached accessory structure, as permitted in the zoning district in which the manufactured home is to be located, shall be similar in material and design as that of the manufactured home. Accessory structures, additions, and all on-site improvements shall meet zoning code and state uniform dwelling code standards.
- (d) **Administration.** Applications for approval of manufactured homes on individual lots in residential districts shall be submitted to the zoning administrator on a standard prescribed form. Such applications shall include all information necessary to determine the manufactured home's conformity with the standards of this section. Applicant shall sign the application, pay all necessary fees, provide all information necessary to verify that the manufactured home meets the standards for manufactured homes, and be issued a zoning permit and a building permit prior to the moving the structure to the building site. The zoning administrator, following issuance of a building permit and upon inspection of the site for the attachment of the structure to a foundation, shall verify that all standards for manufactured homes have been met, as certified in the signed application form.

### **Sec. 13-1-30 Manufactured Commercial Buildings**

Manufactured commercial buildings must meet the requirements of the state commercial code and obtain a zoning permit issued by the zoning administrator. Zoning permit fees shall be as provided in Section 176 of the city zoning code. All manufactured buildings shall comply with all building code and erosion control requirements of the Wisconsin Commercial Code and all on-site improvements shall meet zoning code and state commercial code standards.

### **Sec. 13-1-31 through Sec. 13-1-39 Reserved for Future Use.**

