

## Article C: Zoning Districts

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### **Sec. 13-1-40 Zoning Districts Designated.**

(a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the City of Osseo is hereby divided into the following eighteen (18) basic zoning districts:

- (1) A-1 Agricultural/Holding District
- (2) R-1 Single-Family Residential District (Low Density)
- (3) R-2 Single-Family Residential District (Medium Density)
- (4) R-3 Two-Family Residential District
- (5) R-4 Multiple-Family Residential District
- (6) R-5 Mobile Home Park Residential District
- (7) R-6 Residential Estate District
- (8) B-1 General Commercial District
- (9) Reserved for future use
- (10) B-3 Highway Commercial District
- (11) I-1 General Industrial District
- (12) I-2 Industrial Park District
- (13) G-1 Institutional District
- (14) C-1 Conservancy District
- (15) AEO Adult Entertainment Overlay District
- (16) WHP Wellhead Protection Overlay District
- (17) E-1 Mineral Extraction or Landfill Overlay District
- (18) Inter-1 Interchange Area Overlay District

### **Sec. 13-1-41 Vacation of Streets; Annexations.**

- (a) **Vacation of Streets.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (b) **Annexations and Consolidations.** Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family Residential District, unless the annexation ordinance temporarily places the land in another district.

### **Sec. 13-1-42 Zoning Map; District Boundaries**

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, City of Osseo, Wisconsin", as amended, which is adopted by reference and made a part hereof. The map shall bear

upon its face the attestation of the Mayor and the City Clerk and shall be available to the public in the office of the City Clerk.

- (b) **District Boundary Lines.** The district boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

### **Sec. 13-1-43            Rules for Interpretation of District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following City boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

### **Sec. 13-1-44    A-1 Agricultural/Holding District.**

- (a) **Purpose.** The A-1 Agricultural/Holding District is intended to provide for the continuation of general farming and related uses in those areas of the City that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **Permitted Uses.**

- (1) General farming, including agriculture, floriculture, greenhouses, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing).
- (2) Single-family dwelling units.
- (3) Stands for the sale of agricultural products, provided said products are at least in part raised on the premises.
- (4) Commercial greenhouses and nurseries.
- (5) Domesticated livestock raising for pleasure and personal consumption, but not for commercial profit. The density of livestock is to be kept at levels to prevent erosion, and excess odors and noise from being generated. Fences shall be adequate for all containment of animals. Fences shall meet state statutory requirements for livestock raising. Domesticated livestock raising shall require a permit, allowing livestock raising, to be issued to the owner of the property. The permit can be revoked if the requirements of this ordinance are not fulfilled. A change in the property owner(s) will require a new permit to be issued for livestock raising.

(c) **Permitted Accessory Uses.**

- (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
- (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
- (3) One (1) farm dwelling. The only residences allowed as permitted uses on newly established parcels are those to be occupied by a person who or a family at least one (1) member of which earns a substantial part of his or her livelihood from farm operations on the parcel or is related to the operator of the larger farm parcel from which the new parcel is taken. Preexisting residences located in areas subject to zoning under this Section which do not conform to this paragraph may be continued in residential use. The minimum parcel size to establish a residence or a farm operation is thirty-five (35) acres. No structure or improvement may be built on the land unless consistent with agricultural uses.
- (4) Any use permitted as accessory in the R-1 Residential District.
- (5) Home occupations and professional offices.
- (6) Signs as regulated by the City.
- (7) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time necessary for such constructing.
- (8) Gardening and other horticultural uses where no sale of products is conducted on the premises.

(d) **Conditional Uses.**

- (1) Home occupations and professional offices.
- (2) Housing for farm laborers and seasonal or migratory farm workers.

- (3) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (4) Utilities.
- (5) Veterinary clinics, provided that no structure or animal enclosure shall be located closer than one hundred fifty (150) feet to a property boundary.
- (6) Tourist camps.
- (7) Riding academies.
- (8) Golf courses, country clubs, tennis clubs or public swimming pools serving more than one (1) family. The principal structure for any of the above listed uses shall be one hundred (100) feet or more from any abutting lot in a Residential District, and accessory structures shall be a minimum of fifty (50) feet from any lot line.
- (9) Essential service structures, including but not limited to buildings such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within ten (10) feet from any lot line of an abutting lot in a Residential District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
- (10) Hospitals for human care, sanitariums, rest homes, and nursing homes, provided that all structures, except fences, shall be located one hundred (100) feet or more from the lot line of any abutting lot in a Residential District.
- (11) Cemeteries.
- (12) Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site, provided no more than ten (10) persons shall reside on the site and no building shall be located within fifty (50) feet of any lot line.
- (13) Creameries, milk condenseries, pea vineries and cheese factories.
- (14) Day care centers.
- (15) Recreation uses (Section 13-1-76).
- (16) Sales of camping type recreational vehicles/trailers located on camp/recreation vehicle sites in an approved tourist park.
- (17) Public and parochial schools, provided no building shall be located within fifty (50) feet of any lot line.

(e) **Prohibited Uses.** All uses not specifically permitted.

(f) **Area, Height, Lot Width, Yard and Building Requirements.**

- (1) **Lot Frontage.** Minimum two hundred (200) feet.
- (2) **Lot Area.** Minimum two (2) acres.
- (3) **Front Setback.** Twenty (20) feet from City's right-of-way.
- (4) **Rear Setback.** One hundred (100) feet for all agricultural buildings and ten (10) feet for residential buildings.

- (5) **Side Setback.** One hundred (100) feet each for agricultural buildings and five (5) feet for residential buildings.
- (6) **Height.** Three (3) stories or thirty-five (35) feet.
- (7) **Minimum Lot Depth.** Two hundred (200) feet.
- (8) **Sanitary Criteria (When No Public Sewer).** No more than seventy-five percent (75%) of the minimum lot area shall be on a slope greater than twelve percent (12%) or of soil conditions unsuitable for septic systems. [At least twenty-five percent (25%) of the lot area shall be under twelve percent (12%) and with soil suitable for septic systems.]
- (9) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.

**Sec. 13-1-45 R-1 Single-Family Residential District. (Low Density)**

- (a) **Purpose.** The R-1 District is intended to provide residential development limited to single-family homes set individually on separate lots without public sewer. The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a low dwelling unit per acre density.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
  - (1) Single-family dwellings without public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than thirty-five (35) feet from any side lot line.
  - (3) Home occupations and professional home offices per Section 13-1-144.
  - (4) Manufactured homes complying with all of the following requirements and limitations:
    - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
    - b. The home shall be installed on an approved UDC foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

- d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
- e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Osseo.
- (5) Public parks and recreation areas.
- (6) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- (7) Foster family care.
- (8) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) **Conditional Uses.** The following are permitted as conditional uses within the R-1 District:

- (1) Churches, public schools, parochial schools, colleges, public libraries, public museums, art galleries, and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as incinerators and shops.
- (2) Municipal buildings, excepting garbage incinerators, public warehouses, public garages, public shops and storage yards, penal or correctional institutions and asylums.
- (3) Buildings used exclusively for governmental purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted.
- (4) Farms, market gardens, nurseries or greenhouses, provided that no products are offered for sale on the premises and excepting chicken, fur and stock farms, and farms operated for the disposal of garbage, rubbish or offal.
- (5) Agricultural fairs and exhibitions, including such festivals and entertainment activities at the fairgrounds as the Common Council may, from time to time, approve.
- (6) Day care centers, exempting those conforming to Sec. 66.1017, Wis. Stats., as family day care centers.
- (7) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
- (8) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
- (9) Bed and breakfast inns [7011].
- (10) Public utility structures, except those incompatible with the characteristics of the district.
- (11) Multi-dog kennels per City ordinances.
- (12) Golf Courses and private clubs.
- (13) Barbering and beauty culture.
- (14) Sewage disposal facilities.

- (d) **Permitted Accessory Uses.** No accessory structure or use of land shall be permitted, except for two (2) or more of the following:
- (1) Private garages and parking spaces.
  - (2) Signs as regulated by this Chapter.
  - (3) Private swimming pool, tennis court or other recreational activity intended for the primary use of the occupants of the dwelling located on the same site as the recreational use.
  - (4) Any other use customarily to be accessory to the foregoing permitted uses.
- (e) **Area, Height, Lot Width, and Yard Requirements.**
- (1) **Minimum Lot Area.** Twenty thousand (20,000) square feet.
  - (2) **Minimum Lot Width.** One hundred sixty (160) feet, unless the Zoning Administrator approves an alternative method of sewage disposal.
  - (3) **Front Setback.** Twenty (20) feet from City's right-of-way.
  - (4) **Rear Setback.** Minimum thirty (30) feet for principal structure; minimum twelve (12) feet for accessory buildings and detached garages.
  - (5) **Side Setback.** Minimum eight (8) feet each side.
  - (6) **Height.** Three (3) stories or thirty-five (35) feet.
  - (7) **Minimum Lot Depth.** Two hundred (200) feet.
  - (8) **Sanitary Criteria.** No more than seventy-five percent (75%) of the minimum lot area shall be on a slope greater than twelve percent (12%) or of soil conditions unsuitable for septic systems. [At least twenty-five percent (25%) of the lot area shall be under twelve percent (12%) and with soil suitable for septic systems.]
  - (9) **Percent Ground Coverage by All Structures.** No more than forty percent (40%) coverage of lot area.
  - (10) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.

### **Sec. 13-1-46 R-2 Single-Family Residential District (Medium Density).**

- (a) **Purpose.** This District is intended to provide residential development for single-family homes similar in character to the R-1 District but served by public sewer. The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit density. It particularly reflects older neighborhoods in the City.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
- (1) Single-family dwellings served by public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than thirty-five (35) feet from any side lot line.

- (3) Manufactured homes complying with all of the following requirements and limitations:
  - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
  - b. The home shall be installed on an approved UDC foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
  - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
  - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
  - e. The home shall be a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Osseo.
- (4) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- (5) Foster family care.
- (6) Home occupations and professional home offices located within the primary residence per Section 13-1-144.
- (7) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) **Conditional Uses.** The following are permitted as conditional uses within the R-2 District:

- (1) Two-family dwellings (duplex).
- (2) Churches, public schools, parochial schools, colleges, public libraries, public museums and art galleries, and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
- (3) Municipal buildings, excepting sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, penal or correctional institutions and asylums.
- (4) Buildings used exclusively for governmental purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted.
- (5) Farms, market gardens, nurseries or greenhouses, provided that no products are offered for sale on the premises and excepting chicken, fur and stock farms, and farms operated for the disposal of garbage, rubbish or offal.



- (6) Agricultural fairs and exhibitions, including such festivals and entertainment activities at the fairgrounds as the Common Council may, from time to time, approve.
  - (7) Day care centers, exempting those conforming to Sec. 66.1017, Wis. Stats., as family day care centers.
  - (8) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
  - (9) Home occupations, professional offices, or occupations that are not defined or in compliance with Section 13-1-144.
  - (10) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
  - (11) Bed and breakfast inns.
  - (12) Multi-dog kennels per City ordinances.
  - (13) Parks and playgrounds.
  - (14) Golf Courses and private clubs.
- (d) **Permitted Accessory Uses.** No accessory structure or use of land shall be permitted, except for one (1) or more of the following:
- (1) Private garages and parking spaces.
  - (2) Signs as regulated by this Chapter.
  - (3) Private swimming pool, tennis court or other recreational activity intended for the primary use of the occupants of the dwelling located on the same site as the recreational use.
  - (4) Any other use customarily to be accessory to the foregoing permitted uses.
- (e) **Area, Height, Lot Width and Yard Requirements.**
- (1) **Minimum Lot Area.** Eight thousand (8,000) square feet.
  - (2) **Minimum Lot Width.** Eighty (80) feet.
  - (3) **Front Setback.** Twenty (20) feet from City's right-of-way.
  - (4) **Rear Setback.** Ten (10) feet.
  - (5) **Side Setback.** Five (5) feet each.
  - (6) **Height.** Three (3) stories or thirty-five (35) feet maximum.
  - (7) **Minimum Lot Depth.** One hundred (100) feet.
  - (8) **Percent Ground Coverage by All Structures.** No more than forty percent (40%) coverage of lot area.
  - (9) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.

## **Sec. 13-1-47 R-3 Two-Family Residential District.**

- (a) **Purpose.** The purpose of the R-3 District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units, particularly in new subdivisions and growth areas.
  
- (b) **Permitted Uses.**
  - (1) Two-family dwellings (duplex).
  - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (3) Foster family care.
  - (4) Home occupations and professional home offices per Section 13-1-93.
  - (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
  
- (c) **Conditional Uses.**
  - (1) Parks and playgrounds.
  - (2) Multiple family dwellings up to four (4) dwelling units.
  - (3) Lodge and fraternal buildings.
  - (4) Nursing homes.
  - (5) Nursery schools and day care centers.
  - (6) Retirement homes.
  - (7) Utilities.
  - (8) Schools and churches.
  - (9) Government, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
  - (10) Sewage disposal facilities.
  - (11) Single-family homes.
  
- (d) **Area, Height and Yard Requirements.**
  - (1) **Lot.**
    - a. Two (2) Family Lot Area: Minimum ten thousand (10,000) square feet.
    - b. Width: Minimum one hundred (100) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty (20) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum ten (10) feet each side.

## **Sec. 13-1-47.1 R-3-1 Zero Lot Line Two-Family Residential District**

(a) **Purpose.** This District is intended to provide for two single family residential units attached to each other with zero lot line setback on one side (Twin Homes). They are to be built in areas served by public sewer. This will permit two single-family homes to be joined to give the appearance of a two-family dwelling. For this reason, R-3-1 lots will always be approved in sets of two. Ownership for each unit will be on separate deeds. Compliance with State of Wisconsin one and two-family Uniform Dwelling Code for attached units is required.

(b) **Permitted Uses.**

- (1) Twin homes with one (1) attached or detached garage per unit.
- (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- (3) Foster family care.
- (4) Home occupations and professional home offices per Section 13-1-93.

(c) **Conditional Uses.**

- (1) Parks and playgrounds.
- (2) Nursing homes.
- (3) Nursery schools and day care centers.
- (4) Retirement homes.
- (5) Utilities.
- (6) Schools and churches.
- (7) Government, cultural, and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
- (8) Sewage disposal and drinking water facilities.

(d) **Area, Height, Lot Width and Yard Requirements.**

(1) **Lot.**

a. Area:

1. The Twin Home lot shall have a minimum area of 10,000 square feet, with not less than 5,000 square feet per single lot.
2. Twin lots shall have not less than 100 feet at the front of the twin home.

(2) **Building Height.** Maximum thirty-five (35) feet.

(3) **Yards.**

- a. Street: Minimum twenty (20) feet.
- b. Rear: Minimum twenty-five (25) feet.
- c. Side: Minimum ten (10) feet each side, with a total of twenty (20) feet between Twin Homes on adjoining lots.

(4) **Other requirements.**

- a. A joint or attached driveway serving attached twin home dwellings is permitted provided covenants addressing the maintenance of such driveway are in a form approved by the City.

- b. A minimum fire separation complying with Comm. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
- c. The plans, specifications, and construction shall require the installation and construction of separate sewer, water, and other utility services to each twin home dwelling.
- d. Both lots containing attached twin home dwellings shall be held under the same ownership until the completion of construction of the twin home dwellings.
- e. A maintenance agreement (party wall agreement), approved by the City Zoning Administrator), shall be entered into by the owners of the attached twin home dwellings in order to ensure that equal and reasonable maintenance and repairs are performed on the attached twin home dwellings. Alternatively, provisions for maintenance of common walls may be incorporated into applicable covenants to be reviewed and approved by the City.
- f. Easements necessary for water, sewer, and utility services and the maintenance agreement, shall be recorded with the Trempealeau County Register of Deeds.
- g. The exterior and roof materials on each attached twin home dwelling shall be of the same color, quality, and consistency.
- h. A statement shall be placed on the face of all Twin Home plats creating twin home dwelling lots stating, "When two attached, single family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenant and deed restrictions and the City of Osseo shall not be responsible for the same"

## **Sec. 13-1-48 R-4 Multiple-Family Residential District.**

- (a) **Purpose.** This District is intended to provide for apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types and apartment conversions in existing single-family dwellings or condominiums, subject to other provisions of this Code of Ordinances. The purpose of the R-4 District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.
- (b) **Permitted Uses.** A building or premise shall be used only for the following purposes:
- (1) Two-family dwellings (duplex).
  - (2) Multiple-family dwellings up to and including eight (8) units.
  - (3) Boarding houses and lodging houses.  
Accessory uses and buildings as follows:
    - a. A gardening, tool and storage shed incidental to the residential use, not to exceed three hundred (300) square feet.
    - b. Off-Street parking facilities.
  - (4) Home occupation and professional offices.
  - (5) Institution of a religious, education, eleemosynary or philanthropic nature, but not a penal or mental institution.
  - (6) Multiple ownership of a single-residential structure is permitted under this Section.
  - (7) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
  - (8) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (c) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Private lodges and clubs.
  - (2) Nursing and rest homes and homes for the aged. Retirement homes.
  - (3) Public utility offices and installations, including transmission lines and substations.
  - (4) Any permitted conditional use in the R-2 Residential District.
  - (5) Parks and playgrounds.
  - (6) Professional residential developments.
  - (7) Planned residential developments.
  - (8) Golf courses and private clubs.
  - (9) Barbering and beauty culture.
  - (10) Sewage disposal facilities.
  - (11) Utilities.
  - (12) Schools and churches.
  - (13) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.

- (14) Home occupations.
  - (15) Nursery schools.
  - (16) Single-family dwellings.
  - (17) Day care centers.
  - (18) Multiple-family dwellings over eight (8) units.
  - (19) Community living arrangements which have a capacity for nine (9) or more persons.
- (d) **Accessory Uses.**
- (1) Any permitted accessory use in the R-2 District.
- (e) **Area, Height, Lot Width and Yard Requirements.**
- (1) **Height.** Maximum height three (3) stories or thirty-five (35) feet.
  - (2) **Yards.**
    - a. A yard abutting a street shall not be less than twenty (20) feet in width.
    - b. There shall be an aggregate side yard requirement of not less than twenty-five (25) feet, and no single side yard less than ten (10) feet.
  - (3) **Rear Yard.** Unless otherwise permitted, there shall be a setback of not less than thirty-five (35) feet.
- (f) **Lot Area Per Dwelling Unit.**
- (1) **Two (2) Family Structure.** Minimum thirteen thousand (13,000) square feet per unit.
  - (2) **Three (3) or Four (4) Family Structure.** Minimum thirteen thousand (13,000) square feet plus an additional three thousand (3,000) square feet per each additional unit.
  - (3) **Multiple Dwelling with Five (5) or More Units.**
    - a. Efficiency units: Three thousand (3,000) square feet per unit.
    - b. One (1) bedroom units: Three thousand (3,000) square feet per unit.
    - c. Two (2) bedroom units: Three thousand two hundred (3,200) square feet per unit.
    - d. Three (3) or more bedroom units: Three thousand five hundred (3,500) square feet per unit.
- (g) **Floor Area Per Dwelling Unit.**
- (1) **Three (3) or more Family Structures.**
    - a. Efficiency units: Four hundred (400) square feet.
    - b. One (1) bedroom units: Five hundred forty (540) square feet.
    - c. Two (2) bedroom units: Seven hundred twenty (720) square feet.
  - (2) **Additional Bedroom.** An additional one hundred twenty (120) feet for each bedroom over two (2) bedrooms.

**Sec. 13-1-49 R-5 Mobile Home Park Residential District.**

- (a) **Purpose.** The requirements for property in the R-5 Mobile Home Residential District shall be as provided in Article L of this Chapter.
- (b) **Nonconforming Use Outside Parks; Replacement.**
  - (1) Mobile homes legally located and occupied on premises outside licensed mobile home park prior to the enactment of this Section may be continued in such location, provided that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and City. Such non-conforming use shall automatically terminate upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.
- (c) **Temporary Placement.** It shall be unlawful for any person to park, store or locate any mobile home in the City of Osseo at any site other than a licensed mobile home park complying with the requirements of the District, except that the Common Council may authorize temporary parking or storing of a mobile home outside of a mobile home park until such time as a proper parking space is available in an authorized mobile home park within the City. At such time, the owner or occupant of such mobile home shall relocate the mobile home to the mobile home park within one hundred twenty (120) days. Persons temporarily locating a mobile home outside of a mobile home park pursuant to this Subsection shall, as a condition to such placement, enter into a contract with the City agreeing to fully comply with the requirements of this Subsection.

### **Sec. 13-1-50 R-6 Residential Estate District.**

- (a) **Definition.** The R-6 Residential Estate District is intended to provide for a single-family residential countryside estate development, at densities not to exceed one (1) dwelling unit per gross two (2) or more acres, typically served by municipal sewer facilities. This District is for executive/estate type large lots of a rural or estate character.
- (b) **Conditional Uses.**
  - (1) Utility substations.
  - (2) Solar collectors erected as an accessory structure.
  - (3) Community living arrangements which have a capacity for nine (9) or more persons.
  - (4) Single-family dwelling units meeting the requirements of this Section served by private sewer and water systems where the City determines public service is impractical.
- (c) **Area, Height and Yard Requirements.**
  - (1) **Lot.**
    - a. Area. Lots shall be a minimum of two (2) acres in area and shall be not less than one hundred twenty-five (125) feet in width at front setback.

- b. Height. No building or parts of a building shall exceed thirty-five (35) feet in height.
- (2) **Yards.**
- a. Street. Minimum of thirty (30) feet.
  - b. Side. There shall be a side yard on each side of all buildings not less than twenty feet (20) feet in width.
  - c. Rear. There shall be a rear yard of not less than fifty (50) feet; twelve (12) feet for accessory buildings and detached garages.
- (d) **Other Development Standards.**
- (1) Rural cross section streets may be permitted with special permission from the Common Council under the following circumstances and conditions of development:
- a. Minimum roadway design standards:
    - 1. Twenty-two (22) feet blacktop pavement width per City standards.
    - 2. Sixty-six (66) foot right-of-way.
    - 3. One hundred thirty-two (132) feet cul-de-sac bulb right-of-way.
  - b. Where rural cross sections are used, the developer shall submit and the Common Council shall approve detailed grading plans for the swale network. The swale system shall be installed at time of street work and shall be designed as a component of the storm water management plan.
  - c. A culvert installation permit and detailed lot grading permit shall be granted by the Zoning Administrator prior to any disturbance of the site associated with grading, excavation or culvert installation. The developer shall secure a performance bond or deposit of Five Hundred Dollars (\$500.00) plus twenty-five percent (25%) of the total cost to ensure appropriate culvert installation and shall pay an administrative and inspection fee of One Hundred Dollars (\$100.00) prior to the grading of a culvert installation permit.
- (2) Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-6 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-6 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

**Sec. 13-1-51 B-1 General Commercial District.**

- (a) **Purpose.** The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.



(b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:

- (1) Gift shops, antique and secondhand stores.
- (2) Appliance store.
- (3) Art and school supply store.
- (4) Auto accessory store.
- (5) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.
- (6) Banks and other financial institutions.
- (7) Barbershops, beauty shops and hairdressers.
- (8) Sporting goods stores and bicycle shops.
- (9) Bookstores, not including adult books.
- (10) Stationery stores.
- (11) Miscellaneous business offices.
- (12) Candy, nut or confectionery stores.
- (13) Dairy products stores, including ice cream stores.
- (14) Camera and photographic supply and processing store.
- (15) Delicatessen and /or dairy store.
- (16) Department stores, variety stores, general merchandise stores.
- (17) Drug stores and pharmacies.
- (18) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called Laundromats and laundrettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments.
- (19) Dry goods store.
- (20) Five and ten store.
- (21) Florist shops.
- (22) Furniture, home furnishings, floor covering and upholstery shops/stores.
- (23) Gift, novelty and souvenir shops.
- (24) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores.
- (25) Hardware stores.
- (26) Hobby store, including handicraft classes.
- (27) Interior decorating.
- (28) Jewelry and clock stores.
- (29) Laundromat of the self-service type.
- (30) Library.
- (31) Locksmith.
- (32) Meat market, but not including processing for a locker.
- (33) Medical and dental clinic or offices.
- (34) Music store.
- (35) News dealers and newsstands.

- (36) Offices.
- (37) Paint, glass and wallpaper stores.
- (38) Photographic studios and commercial photography establishments.
- (39) Physical culture or dance studio.
- (40) Tobacco and smokers' supplies stores.
- (41) Post office.
- (42) Restaurants, lunch rooms and other eating places, except drive-in type establishments.
- (43) Café, tea room.
- (44) Shoe repair shops and shoe shine parlors.
- (45) Small appliance repair shop.
- (46) Clothing and shoe stores.
- (47) Automobile and other vehicles of transportation sales when they are new products and when conducted entirely within a building.
- (48) Auto repair.
- (49) Boats and marine sales when conducted entirely within a building.
- (50) Building material yards, provided they are conducted entirely within an enclosed structure, which if a fence may be eight (8) feet in height when not abutting land located in an "R" District or land in a residential use.
- (51) Commercial greenhouse, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street.
- (52) Garden supply store, provided it is conducted entirely within an enclosed structure.
- (53) Interior decorating studio.
- (54) Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
- (55) Newspaper and publishing office.
- (56) Office buildings.
- (57) Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building or the operating so as to cause an offensive odor or noise.
- (58) Picture framing.
- (59) Printing shop.
- (60) Physical culture and health studio.
- (61) Radio and television repair.
- (62) Seat cover, upholstery and drapery shop.
- (63) Wholesale office and showroom, and/or wholesale storage facility up to 5,000 square feet in area.
- (64) Auxiliary maintenance facility for an adjacent medical operation.
- (65) Taverns, bars and other drinking places with permit by Common Council.
- (66) Liquor stores.
- (67) Wholesale merchandise establishments, only for retail items.
- (68) Offices of insurance companies, agents, brokers and service representatives.

- (69) Offices of real estate agents, brokers, managers and title companies.
- (70) Heating and plumbing supplies (provided all material storage is inside a building).
- (71) Trade and contractor's offices (office only).
- (72) Advertising agencies, consumer credit reporting, news agencies, employment agencies.
- (73) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops.
- (74) Computer services.
- (75) Commercial parking lots, parking garages, parking structures.
- (76) Watch, clock and jewelry repair services.
- (77) Motion picture theaters, not including drive-in theaters.
- (78) Miscellaneous retail stores.
- (79) Offices/clinics of physicians and surgeons, dentists, dental surgeons, osteopathic physicians, optometrists and chiropractors, but not veterinarian offices.
- (80) Law offices.
- (81) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations.
- (82) Engineering and architectural firms or consultants.
- (83) Accounting, auditing and bookkeeping firms or services.
- (84) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations.
- (85) The offices of governmental agencies and post offices.
- (86) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.
- (87) Telephone and telegraph offices.
- (88) Day care centers; public and private offices.

(c) **Conditional Uses.** The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all nuisances. These uses shall be subject to the consideration of the Common Council with regard to such matters.

- (1) Armories.
- (2) Convention halls.
- (3) Sports arena.
- (4) Stadiums.

- (5) Bowling alleys.
- (6) Farm supplies, wholesale trade.
- (7) Billiard and pool rooms.
- (8) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers.
- (9) Drive-in theaters.
- (10) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories.
- (11) Skating rinks.
- (12) Dance halls.
- (13) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.
- (14) Gymnasiums.
- (15) Establishments engaged in daily or extended term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
- (16) Y.M.C.A., Y.W.C.A., night clubs, fraternal organizations and similar uses, provided that no part of the structure in which the use is situated shall be located within one hundred (100) feet of any "R" District.
- (17) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.
- (18) Bus terminals.
- (19) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
- (20) Business or trade school when conducted entirely within a building.
- (21) Farm implement sales.
- (22) Drive-in business.
- (23) Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
- (24) Outdoor sports facilities or beer gardens at licensed premises (see Section 7-2-19).
- (25) Motor fuel stations subject to the regulations of this Chapter.
- (26) Stone and monument sales.
- (27) Undertaking establishments.
- (28) Television and radio stations and transmitting towers.
- (29) Accessory structures or uses other than those listed as permitted.
- (30) Open sales lot or open storage.
- (31) Animal hospitals, pet shops (excluding kennels).
- (32) Multiple-family dwellings following review and approval by the Plan Commission and the Common Council of a detailed site plan and building design.
- (33) Light packaging of oral health care products.
- (34) Automobile body repair shop when carried out entirely within a building. Any materials, damaged vehicles, and equipment related to the automobile body repair shop left outside will be kept out of view within a screened area.

- (35) Mini warehousing for storage of personal goods such as furniture, boats and recreational vehicles.
- (36) Daycare centers.
- (37) To provide sleeping rooms for participants in retreats and seminars or any other activities related to that business carried out on the site.
- (38) To provide for garden supply sales conducted outside of an enclosed structure.
- (39) Machining, light manufacturing, and repairs when carried out entirely within a building and not generating noise, dust, pollutants, and odors beyond the property. All operations and materials stored are to be inside of the building.

(d) **Permitted Accessory Uses.**

- (1) Private garages, off-street parking and loading spaces as regulated in this Chapter.
- (2) Signs as regulated in this Chapter.
- (3) Any incidental repair or processing necessary to conduct a permitted use shall not exceed forty percent (40%) of the floor space of the principal building.
- (4) Decorative landscape features.
- (5) Any incidental repair or processing necessary to conduct a permitted principal use.
- (6) Public telephone booths, provided all yard requirements are met.
- (7) Dwellings as part of the principal building.

(e) **Height, Lot Width, Yard and Building Requirements.**

- (1) **Minimum Lot Area.** Eight thousand (8,000) square feet.
- (2) **Minimum Lot Width.** Sixty (60) feet.
- (3) **Minimum Lot Depth.** One hundred (100) feet.
- (4) **Principal Building.**
  - a. Front Yard: Minimum twenty (20) feet of front yard setback is necessary to be compatible with neighborhood; otherwise none beyond City right-of-way.
  - b. Side Yard: Minimum ten (10) feet of side yard is necessary to be compatible with neighborhood; otherwise none beyond City right-of-way.
  - c. Rear Yard: Minimum twenty-five (25) feet of rear yard is necessary to be compatible with neighborhood; otherwise none beyond City right-of-way.

**NOTE:** Pre-existing structures may be non-conforming. In blocks in the business districts which are already developed, the dimensional requirements of this Chapter can be modified if in the opinion of the Zoning Board of Appeals, such action would be in keeping with the purpose of this Code where a practical difficulty or hardship would result from a literal enforcement of the requirements.

- (5) **Building Height.** Maximum thirty-five (35) feet.
- (6) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.
- (7) **Percent of Lot Coverage.** Maximum ninety percent (90%).
- (8) **Alley Setback.** Minimum fifteen (15) feet.

(f) **Other Development Regulations.**

- (1) A site development plan, prepared in accordance with Section 13-1-244, shall be submitted before a permit can be granted for any expanded or all new use in this District.
- (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers or properly screened, as determined by the Common Council.
- (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

**Sec. 13-1-52 Reserved for Future Use.**

**Sec. 13-1-53 B-3 Highway Commercial District.**

- (a) **Purpose.** The B-3 Highway Commercial District is established to provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile and truck traffic which make the uses incompatible with the predominately retail uses in other commercial districts. The essential purpose of this District, is to achieve development, which is an asset to the owners, neighbors and the City, and to promote and maintain desirable economic development.
- (b) **Permitted Uses.** The following uses of land are permitted uses in the B-3 District:
- (1) Any Permitted Use in the B-1 District as regulated therein.
  - (2) Adult book store (provided provisions of Sec. 7-14-1 are met).
  - (3) Offices of firms, shops, display rooms and enclosed storage.
  - (4) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations.
  - (5) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services.
  - (6) Telecommunications facilities.
- (c) **Conditional Uses.** The following are permitted conditional uses within the B-3 District:
- (1) Public utilities and public services.
  - (2) Conference centers, hotel facilities, and convention halls.
  - (3) Ancillary retail sales and service operations that serve employees within the business park.
  - (4) Stadiums and sports arenas.
  - (5) Contractor's yards when conducted within a building or a completely fenced yard.
  - (6) Billiard, pool rooms, and bowling alleys.
  - (7) Drive-In theaters, skating rinks, and dance halls.
  - (8) Gymnasiums.

- (9) Y.M.C.A., Y.W.C.A., night clubs, fraternal organizations and similar uses, provided that no part of the structure in which the use is situated shall be located within one hundred (100) feet of any Residential "R" District.
- (10) Business or trade school when conducted entirely within a building.
- (11) Drive-in building.
- (12) Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
- (13) Motor fuel stations subject to the regulations of this Chapter.
- (14) Stone and Monument sales.
- (15) Warehousing or distribution operations, not including predominately retail sales to customers on site.
- (16) Accessory structures or uses other than those listed as permitted.
- (17) Open sales lot or open storage.
- (18) Animal hospital or clinic; kennel.
- (19) Multiple-family dwellings following review and approval by the Plan Commission and the Common Council of a detailed site plan and building design.
- (21) Liquor store.
- (22) Automobile body repair shop when carried out entirely within a building. Any materials, damaged vehicles, and equipment related to the automobile body repair shop left outside, will be out of public view within a screened area.
- (23) Farm implement and machinery sales and service.
- (24) Truck stop.
- (25) Daycare centers.
- (26) Non-nuisance light manufacturing operations.

(d) **Permitted Accessory Uses**

- (1) Private garages, off-street parking and loading spaces as regulated in this Chapter.
- (2) Signs as regulated in this Chapter.
- (3) Any incidental repair or processing necessary to conduct a permitted use shall not exceed forty percent (40%) of the floor space of the principal building.
- (4) Decorative landscape features.
- (5) Any incidental repair or processing necessary to conduct a permitted principal use.
- (6) Dwellings as part of the principal building.

(e) **Height, Lot Width and Yard and Building Requirements.**

- (1) **Minimum Lot Area.** Twenty thousand (20,000) square feet.
- (2) **Minimum Lot Width.** One hundred (100) feet.
- (3) **Minimum Lot Depth.** One hundred (100) feet
- (4) **Front Yard.** Minimum twenty-five (25) feet.
- (5) **Rear Setback.** Twenty (20) feet.
- (6) **Side Setback.** Twenty (20) feet.

- (7) **State & Federal Highway Setback.** When a front yard, side yard, or rear yard of a property abuts a state or federal highway, a setback of fifty (50) feet shall be required for any building or structure.
- (8) **Building Height.** Three (3) stories or Maximum thirty-five (35) feet.
- (9) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.
- (10) Fences, retaining walls, vegetation, directional signs, or other restrictions intended and necessary for vehicular or pedestrian circulation within the setback area, may be permitted upon the approval of the zoning administrator. Parking in the setback area shall be approved by the City of Osseo by the Site Plan Review process.
- (11) Setbacks adjacent to a Residential Zone shall be landscaped with no parking allowed.
- (12) A minimum of eighteen (18) feet of landscaped area shall be maintained between the edge of road and the edge of a parking area or structure. The landscaping design for the property shall be approved by the City of Osseo by the Site Plan Review process. Paving on City right-of-way, other than for driveway access to the street, to be approved by conditional use permit.

- Requirements may be modified by conditional use permit.

(e) **Other Requirements.** Uses permitted and conditional in the B-3 District are subject to the following requirements:

- (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specification, have been approved by the Common Council. The Common Council shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Common Council. The approved deed restriction and protective covenants must be recorded on the land prior to rezoning to the B-3 District.
- (2) Design standards in the B-3 District shall include as a minimum the following standards:
  - a. All uses shall comply with City performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
  - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
  - c. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
  - d. All zoning lots abutting residentially zoned districts shall be screened.



- e. All outdoor storage areas shall be screened by a sight-obscuring fence or shrubs when the lot is fronting a street or highway and/or is adjacent to a residential district(s). Finished products in transit, operational agricultural equipment or currently licensed and fully operable/assembled motor vehicles used regularly for company operations are acceptable under this requirement.
- f. No signs other than product or company identification signs shall be permitted on the described property.
- g. The property owner shall be required to provide a sufficient number of off-street parking spaces to accommodate the makes and number of vehicles expected on the site at peak hours.
- h. All owners and occupants of said land shall cooperate with the City of Osseo in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, access roads and grant such easements provided that such easements do not interfere with the present use of the land or unduly restrict future development.
- i. Each owner shall, at all times, keep the premises, building and other improvements in safe, clean, neat and sanitary condition and shall keep all grass, trees and shrubbery in a well-maintained condition at all times in both vacant and developed lots.
- j. No operation, process, manufacture of building use on said property shall produce or effect noise, odor, smoke, vibration, heat, industrial waste or other measurable external noise to the extent greater than that permitted under applicable regulations.

**Sec. 13-1-54 I-1 General Industrial District.**

- (a) **Purpose.** This District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the I-2 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls.
- (b) **Permitted Uses.** The following uses are permitted uses in the I-1 District:
  - (1) Any use permitted in the I-2 District as regulated therein.
  - (2) Building construction contractors.
  - (3) The manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this Chapter.
  - (4) Brewing, cement, concrete, stone cutting, brick glass, ceramic products, mill working, plastics molding, and meat packing.
  - (5) Offices.
  - (6) Motor fuel stations subject to the requirements of this Chapter.

- (c) **Performance Standards.** All uses in the I-1 District are exempt from the performance standards as outlined in this Chapter, except that said uses shall not generate noise, odors, glare, heat, dust, vibrations or other such influences beyond the I-1 District nor in any event constitute a detrimental effect upon the public health or safety.
- (d) **Conditional Uses.** The following are permitted as conditional uses within the I-1 District. Such use shall be subject to the consideration of the Common Council and Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:
- (1) Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transferred into finished products, and establishments engaged in assembling component parts of manufactured products.
  - (2) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
  - (3) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
  - (4) Railroads, including rights-of-way railroad yards, and structures normally incidental to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than railroad companies or road terminal companies.
  - (5) Any activity which emits smoke darker than shade No. 3 on the Ringelman Chart.
  - (6) Auto wrecking, junk yard, used auto parts (open storage).
  - (7) Wholesale establishments and warehouses.
  - (8) Highway passenger and motor freight transportation.
  - (9) Light Industry and Service Uses.
    - a. Automotive body repair.
    - b. Automotive upholstery.
    - c. Cleaning, pressing, dyeing.
    - d. Commercial bakeries.
    - e. Commercial greenhouses.
    - f. Distributors.
    - g. Printing and publishing.

- h. Trade and Contractor's facilities.
  - i. Painting services.
  - j. Retail sales and service facilities such as retail and surplus outlet stores, and restaurants and food service facilities when established in conjunction with a permitted manufacturing or processing facility.
  - k. Recreation vehicle, boat and miscellaneous storage.
- (10) Incineration or reduction of waste material other than customarily incidental to a principal use.
- (11) Public Facilities and Uses.
- a. Governmental, cultural and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
  - b. Schools and churches.
  - c. Airports, airstrips and landing fields.
- (12) Agricultural Related Industry and Service Uses.
- a. Production of natural and processed cheese.
  - b. Production of shortening, table oils, margarine and other edible fats and oils.
  - c. Production of condensed and evaporated milk.
  - d. Wet milling of corn.
  - e. Production of creamery butter.
  - f. Drying and dehydrating fruits and vegetables.
  - g. Preparation of feeds for animal and fowl.
  - h. Creameries and dairies.
  - i. Production of flour and other grain mill products; blending and preparing of flour.
  - j. Fluid milk processing.
  - k. Production of frozen fruits, fruit juices, vegetables and other specialties.
  - l. Fruit and vegetable sauces and seasoning, and salad dressing preparation.
  - m. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.
  - n. Production of sausages and other meat products providing that all operations be conducted within an enclosed building.
  - o. Horticultural services.
  - p. Canning of fruits, vegetables, preserves, jams and jellies.
  - q. Canning of specialty foods.
  - r. Grain elevators and bulk storage of feed grains.
  - s. Fertilizer production, sales, storage, mixing and blending.
  - t. Sales or maintenance of farm implements and related equipment.
  - u. Animal hospitals, shelters and kennels.

v. Veterinarian services.

- (13) Metal polishing and plating.
- (14) Batteries (wet cell).
- (15) Gasoline or other liquid storage tanks.
- (16) Food locker plants.
- (17) Kilns or other heat processes fired by means other than electricity.
- (18) Any use abutting or across the street from any lot not included in the I-1 District.
- (19) Radio, communication, or television transmission towers.
- (20) Open storage (primary and secondary use).
- (21) Mineral extraction
- (22) Junk and salvage yards
- (23) Recreational uses

(e) **Permitted Accessory Uses.**

- (1) Accessory uses permitted in the I-2 District.

**Prohibited Uses.**

- (1) Specifically excluded from this designation and expressly prohibited is any use or business which is dangerous or which would create a public nuisance.
- (2) All residential uses are expressly prohibited.

(f) **Lot Area, Height, Lot Width and Yard and Building Requirements.**

- (1) **Minimum Lot Area.** Twenty-four thousand (24,000) square feet.
- (2) **Minimum Lot Width/Frontage.** One hundred (100) feet.
- (3) **Front Setback.** To be determined by Zoning Administrator.
- (4) **Rear Setback.** Forty (40) feet where adjacent to Residential Zone, twenty (20) feet otherwise.
- (5) **Side Setback.** Forty (40) feet where adjacent to Residential Zone, twenty (20) feet otherwise.

- (6) **Building Height.** Maximum forty-five (45) feet. If other equipment needed, can be considered by conditional use.
- (7) **Minimum Lot Depth.** Five (5) feet.
- (8) **Sanitary Criteria (When No Public Sewer).** No more than seventy-five percent (75%) of the minimum lot area shall be on a slope greater than twelve percent (12%) or of soil conditions unsuitable for a septic system. (At least twenty-five percent (25%) of the lot area shall be under twelve percent (12%) and with soil suitable for septic systems.)
- (9) **Percent Slope.** No building shall be permitted on slopes twenty percent (20%) or greater, except as a conditional use.

\* **Required Buffer Strips in a new I-1 Industrial District.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than four (4) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

### **Sec. 13-1-55 I-2 Industrial Park District**

- (a) **Purpose.** The I-2 District is intended to provide for manufacturing, industrial and related uses in a planned environment and where the relative proximity to other uses requires more restrictive regulations. The I-2 Industrial Park District is established to provide a comprehensive employment park with an attractive working environment conducive to the development of offices, research and development institutions, and light manufacturing establishments of a non-nuisance type. The District is designed to be a fully serviced development in a parklike setting, which is practical, economical, and an asset to owners, neighbors and the community as a whole. It is the intent that all parcels of land zoned I-2 shall have protective covenants and restrictions approved by the City and properly recorded prior to development.
- (b) **Permitted Uses.** A building or premise shall be used only for the following purposes:
  - (1) Conducting a process, fabrication, storage, manufacturing or wholesaling operation of providing a service.

- (2) Automobile painting, upholstering, tire recapping and major repair when conducted within a completely enclosed building.
- (3) Bus terminals and maintenance garage.
- (4) Ice, cold storage plants, bottling works.
- (5) Laundries.
- (6) Machine shops.
- (7) Paint mixing.
- (8) Paper products from previously processed paper.
- (9) Radio and television.
- (10) Research, development, and testing laboratories and facilities and the manufacture of fabrication of products in conjunction with such research and development.
- (11) Trade school.
- (12) Warehousing and wholesaling.
- (13) Printing and publishing.
- (14) Greenhouses for growing and processing of plants indoors.
- (15) Aquaculture, carried out indoors, for growing fish in tanks and their processing.

(c) **Performance Standards.** The manufacture, compounding, processing, packaging treatment, assembly or storage of any products or materials is permitted in the I-2 District, provided the use is in conformity to the performance standards outlined in this Chapter and further provided such use is not listed as a specific use permitted by right or conditional use in the I-1 District as not likely to meet the performance standards as outlined in this Chapter. Applicants for building permits in the I-2 District shall submit such evidence as may be required by the Building Inspector to assure compliance with the performance standards. Should the Building Inspector have any doubt as to the ability of any proposed use to meet the required standards, the matter shall be referred to the Plan Commission who shall make a recommendation to the Council which shall grant or deny the application.

(d) **Conditional Uses.** Within the I-2 District, no structure or land shall be used for the following uses, except by conditional use permit:

- (1) Conditional uses which are permitted in the B-1 District.
- (2) Essential service structures.
- (3) Airports, truck and freight terminals and open sales lots.
- (4) Radio or television transmission towers.
- (5) Contractor's yards when conducted within a building or a completely fenced yard.
- (6) Accessory structures.
- (7) Restaurants.
- (8) Creamery.
- (9) Explosives, including all activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation.
- (10) Open storage (primary or secondary use).

- (11) Advertising signs (billboards).
  - (12) Offices.
- (e) **Permitted Accessory Uses.**
- (1) Signs as regulated in this Chapter.
  - (2) Off-street parking and loading as regulated in this Chapter.
  - (3) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use.
  - (4) Guest houses owned and operated in conjunction with a permitted principal use.
  - (5) Temporary storage, processing and sale of construction materials being from and for public works projects, approved on an individual basis by the Osseo Common Council.
- (f) **Height, Lot Width and Yard Requirements.**
- (1) **Height.** No structure shall exceed six (6) stories or seventy-five (75) feet in height.
  - (2) **Side Yard.** No part or portion of any building shall be erected, constructed or extended nearer than five (5) feet to any interior side lot in said property. Side yards on the street side of the corner lots shall be a minimum of twenty (20) feet and the use and treatment of such side yard area shall be in accordance with the provisions of Paragraph 1 herein.
  - (3) **Setback.** There shall be a minimum setback line of not less than twenty (20) feet. Storage of material, products or equipment shall be prohibited at all times within the twenty (20) foot setback area. Parking areas for employee and visitor parking shall be permitted in the front back area provided such parking areas comply with all screening and surfacing requirements of the City. The setback area that cannot be utilized for parking or access drives shall be sodded and seeded and suitably landscaped not later than thirty-six (36) months after occupancy.
  - (4) **Rear Yard.** There shall be a minimum rear yard depth of twenty (20) feet.
- (g) **Lot Area.** There shall be no minimum lot size in this District.
- (h) **Lot Width.** Each lot shall be a minimum of fifty (50) feet in width.
- (i) **Additional Requirements.**
- (1) In the event loading docks are positioned at the front of the building, truck maneuvering areas shall not encroach into the required front setback area.
  - (2) All outdoor storage areas shall be screened by a sight-obscuring fence or shrubs when the lot is fronting a street or highway and/or is adjacent to a residential district(s). Finished products in transit, operational agricultural equipment or currently licensed motor vehicles used regularly for company operations are acceptable under this requirement.

- (3) No signs other than product or company identification signs shall be permitted on the described property.
  - (4) The property owner shall be required to provide a sufficient number of off-street parking spaces to accommodate the makes and number of vehicles expected on the site at peak hours.
  - (5) All owners and occupants of said land shall cooperate with the City of Osseo in the planning and granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, access roads and grant such easements provided that such easements do not interfere with the present use of the land or unduly restrict future development.
  - (6) Each owner shall, at all times, keep the premises, building and other improvements in safe, clean, neat and sanitary condition and shall keep all grass, trees and shrubbery in a well-maintained condition at all times in both vacant and developed lots.
  - (7) In the event a buyer of undeveloped property or his representative fails to start construction on a parcel within the Osseo Economic-Industrial Park within eighteen (18) months of the date of purchase or substantially complete construction within thirty-six (36) months of the date of purchase, said land and all improvements thereon shall automatically revert to the City of Osseo.
  - (8) No operation, process, manufacture of building use on said property shall produce or effect noise, odor, smoke, vibration, heat, industrial waste or other measurable external nuisance to the extent greater than that permitted under applicable regulations.
- (j) **Restrictive Covenants.** Each property owner within the Osseo Economic-Industrial Park shall be bound to the requirements of this Section by restrictive covenants, which shall be enforced by proceedings at law in equity against any person violating or attempting to violate any of the covenants, either to restrain violation or recover damages.

### **Sec. 13-1-56 G-1 Institutional District**

- (a) **Purpose.** The G-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
- (b) **Permitted Uses.**
- (1) Cemeteries.
  - (2) Churches
  - (3) Fraternal organizations.
  - (4) Hospitals, sanatoriums, nursing homes and clinics.
  - (5) Libraries, museums and art galleries.
  - (6) Municipal parking lots.



- (7) Public administrative offices and public service buildings, including fire and police stations.
- (8) Public or private schools, colleges and universities.
- (9) Public utility offices.
- (10) Utilities.
- (11) Water storage tanks, towers and wells.
- (12) Amphitheaters.
- (13) Amusement parks.
- (14) Aquariums.
- (15) Arenas and field houses.
- (16) Auditoriums.
- (17) Boat rentals and boat access sites.
- (18) Botanical gardens and arboretums.
- (19) Exhibition halls.
- (20) Fairgrounds.
- (21) Forest reserves (wilderness areas).
- (22) Forest reserves (wilderness refuges).
- (23) Golf courses with or without country club facilities.
- (24) Golf driving ranges.
- (25) Group or organized camps.
- (26) Historic and monument sites.
- (27) Hunting and fishing clubs.
- (28) Ice skating.
- (29) Miniature golf.
- (30) Parks – general recreation.
- (31) Parks – leisure and ornamental.
- (32) Picnicking areas.
- (33) Planetarium.
- (34) Playfields or athletic fields.
- (35) Playgrounds.
- (36) Play lots or tot lots.
- (37) Recreation/community centers.
- (38) Skiing and tobogganing.
- (39) Stadiums.
- (40) Swimming beaches.
- (41) Tennis courts.

(c) **Permitted Accessory Uses.**

- (1) Essential services.
- (2) Garages for storage of vehicles or materials used in conjunction with the operation of a permitted use.
- (3) Off-street parking and loading areas.
- (4) Residential quarters for administrators, caretakers or clergy.
- (5) Service buildings and facilities normally accessory to the permitted uses.

- (6) Service-oriented offices or shops located within institutional buildings.
- (d) **Conditional Uses.**
  - (1) Archery ranges.
  - (2) Athletic clubs and health resorts.
  - (3) Drive-in movies.
  - (4) Golf courses with country club/restaurant facilities.
  - (5) Gymnasiums.
  - (6) Miniature golf.
  - (7) Public emergency shelters.
  - (8) Roller skating.
  - (9) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water, toward any building or structure or toward any population concentration within one and one-half (1-1/2) miles of the site.
- (e) **Lot Area and Width.** There are no minimum lot requirements.
- (f) **Building Height.** No building or parts of a building shall exceed forty-five (45) feet in height.
- (g) **Setback and Yards.**
  - (1) A minimum building setback of twenty-five (25) feet from the right-of-way line of all public streets shall be required.
  - (2) There shall be a minimum side yard of ten (10) feet.
  - (3) There shall be a rear yard of not less than twenty-five (25) feet.
  - (4) Exception. In the case of ownership by school district or organization or by church or religious society of more than fifty percent (50%) of the frontage on intersection streets and more than fifty percent (50%) of the area of the square block wherein such property is located, the minimum setback line for building on such school or church property shall be fifteen (15) feet.

### **Sec. 13-1-57 C-1 Conservancy District.**

- (a) **Purpose.** The C-1 Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- (b) **Permitted Uses.**
  - (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided

that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen. Farming and related agricultural uses when conducted in accordance with conservation standards.

- (2) Forest and game management.
  - (3) Forest reserves (wilderness areas). Hunting, fishing and hiking.
  - (4) Forest reserves (wildlife areas). Parks and recreation areas; arboreta; botanical gardens; greenways.
  - (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
  - (6) Utility lines.
  - (7) Non-residential buildings used solely in conjunction with the raising of water fowl or fish.
  - (8) Harvesting of wild crops.
- (c) **Permitted Accessory Uses.**
- (1) Non-habitable park or recreation shelters.
  - (2) Structures used in or accessory to a fish hatchery.
  - (3) Structures used to traverse lowlands or watercourses.
- (d) **Conditional Uses.**
- (1) Structures and fill accessory to permitted principal uses.
  - (2) Parks and campgrounds and accessory structures.
  - (3) Archery and firearm ranges, sports fields and skating rinks.
  - (4) Fish hatcheries, raising of minnows, and accessory structures.
  - (5) Utility facilities and buildings.
  - (6) Golf courses.
  - (7) Sewage disposal plants.
  - (8) Trails.
  - (9) Hunting and fishing clubs.
- (e) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum one and one-half (1-1/2) acres.
    - b. Width: Minimum one hundred fifty (150) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.
  - (4) **Yards.** Any use involving a structure shall provide front and rear yards of at least fifty (50) feet in depth and side yards at least fifty (50) feet in width each.

### **Sec. 13-1-58 Inter-1 Interchange Area Overlay Zone.**

- (a) **Purpose.** The purpose of the Interchange Area Overlay District is to supplement the controls of the zoning districts by providing special regulations as required by the unique characteristics of land development and traffic generation and movement in interchange areas.
- (b) **Application.**
  - (1) The general standards set forth hereunder will apply to all lands within the delineated areas surrounding any existing or planned highway interchange and shall be overlaid upon the primary zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and the interchange overlay regulations, the more restrictive will apply.
  - (2) The provisions herein shall apply for an area of one-half (1/2) mile outside the interchange right-of-way or for a distance of one-half (1/2) mile along and on either side of an intersecting highway from the most remote end of interchange ramp taper, whichever is greater.
- (c) **Access control on Intersecting Highway.**
  - (1) On a dual-lane highway there shall be no access within one thousand (1,000) feet of the most remote end of any ramp taper.
  - (2) On other intersecting highways there shall be no access within five hundred (500) feet of the most remote end of taper.
  - (3) Access points on opposite sides of the highway shall be directly opposite each other or opposite a median cross-over or separated by at least three hundred (300) feet of lateral distance.
  - (4) Frontage roads or interior access roads shall be utilized to minimize the number of direct access points to the intersecting highway.
- (d) **Setbacks.** From an intersecting highway, one hundred fifty (150) feet from the centerline or one hundred (100) feet from the right-of-way line, whichever is greater, or fifty (50) feet from the right-of-way of the frontage road.
- (e) **Dedication.** Every property shall dedicate land for either a frontage road or an interior street in the following amounts:
  - (1) **Frontage Road.** Fifty (50) feet wide.
  - (2) **Interior Street.** Sixty-six (66) feet wide.

### **Sec. 13-1-59 MW Municipal Well Recharge Area Overlay District.**

- (a) **Purpose.** The City recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the City's municipal wells. The restrictions imposed herein are in addition to those of

the underlying residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.

(b) **Overlay Zones.** The Municipal Well Recharge Area Overlay District is hereby divided into Zone A and Zone B as follows:

- (1) **Zone A** is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.
- (2) **Zone B** is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.

(c) **Zone A Prohibited Uses.** The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Municipal Well Recharge Area Overlay District:

- (1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
- (2) Asphalt products manufacturing plants.
- (3) Automobile laundries.
- (4) Automobile service stations
- (5) Building materials and product sales.
- (6) Cartage and express facilities.
- (7) Cemeteries.
- (8) Chemical storage, sale, processing or manufacturing plants.
- (9) Dry cleaning establishments.
- (10) Electronic circuit assembly plants.
- (11) Electroplating plants.
- (12) Exterminating shops.
- (13) Fertilizer manufacturing or storage plants.
- (14) Foundries and forge plants.
- (15) Garages – for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
- (16) Highway salt storage areas.
- (17) Industrial liquid waste storage areas.
- (18) Junk yards and auto graveyards.
- (19) Metal reduction and refinement plants.
- (20) Mining operations.
- (21) Motor and machinery service and assembly shops.
- (22) Motor freight terminals.
- (23) Paint products manufacturing.
- (24) Petroleum products storage or processing.
- (25) Photography studios, including the developing of film and pictures.
- (26) Plastics manufacturing.
- (27) Printing and publishing establishments.
- (28) Pulp and paper manufacturing.

- (29) Residential dwelling units on lots less than fifteen thousand (15,000) square feet in area. However, in any residence district, on a lot of record on the effective date of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Zoning Ordinance are complied with.
- (30) Septage disposal sites.
- (31) Sludge disposal sites.
- (32) Storage, manufacturing or disposal of toxic or hazardous materials.
- (33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (34) Woodworking and wood products manufacturing.
- (d) **Zone A Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
  - (1) Any other business or industrial use not listed as a prohibited use.
  - (2) Animal waste storage areas and facilities.
  - (3) Center-pivot or other large-scale irrigated agriculture operations.
- (e) **Zone B Prohibited Uses.** The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Recharge Area Overlay District:
  - (1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (f) **Zone B Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
  - (1) Any business or industrial use.

**Sec. 13-1-60 AEO Adult Entertainment Overlay District.**

- (a) **Definitions:**
  - (1) “Adult-oriented establishments” shall include, but not be limited to, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters”, “adult bath houses”, “adult massage parlors”, “adult modeling studios”, “adult body painting studios”, “adult novelty shops” and “adult cabarets”. It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.
  - (2) “Adult Bookstore” means an establishment having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which are distinguished

- or characterized by their emphasis on matters depicting, describing or related to “specific anatomical areas” or “specified sexual activities”, as defined below.
- (3) “Adult motion picture theater” means an enclosed building with a capacity of (25) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, as defined below, for observation by patrons therein.
  - (4) “Adult mini-motion picture theater” means an enclosed building with a capacity less than (25) persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, as defined below, for observation by patrons therein.
  - (5) “Adult bath houses” means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
  - (6) “Adult massage parlors” means an establishment or business with or without sleeping accommodations which provides services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this ordinance.
  - (7) “Adult modeling studios” means an establishment or business which provides the service of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.
  - (8) “Adult body painting studios” means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult bodypainting studio shall not be deemed to include a tattoo parlor.
  - (9) “Adult novelty shop” means an establishment or business having as a substantial or significant portion of its stock in trade in novelty or other items including movies, tapes, video, books, and any device, which are distinguished or characterized by an emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.
  - (10) “Adult cabaret” means a cabaret which features dancers, strippers, male or female impersonators, or similar entertainers, performing or presenting material having as its dominant theme, or distinguished or characterized by an emphasis on any actual or simulated “specified sexual activities” or “specified anatomical areas” as defined below.

- (11) "Entertainer" means a dancer, stripper, impersonator or similar performer referred to in Subsection (j).
- (12) "Adult entertainment" means any exhibition of any motion pictures, live performers, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities", or "specified anatomical areas", as defined below.
- (13) "Youth center" means any center that provides, on a regular basis, recreational, vocational, academic or social services for persons younger than 21 years old for those persons and their families.
- (14) "Sensitive Areas" means an area which could be negatively affected by being in close proximity to an adult oriented establishment, including but not limited to child care facilities, schools, places of worship, libraries, community centers, campgrounds, and recreation areas.
- (15) "Specified sexual activities" means simulated or actual:
  - a. Showing of human genitals in a state of sexual stimulation or arousal.
  - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.
  - c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (16) "Specified anatomical areas" means:
  - a. Less than completely and opaquely covered human genital, pubic region, perineum, buttocks, female breasts below the point immediately above the top of the areola;
  - b. Human male genitals in a discernible turgid state, even if opaquely covered.
- (17) "Operators" means any person, association, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

(b) **License:**

- (1) Except as provided in subsection (d) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of Osseo without first obtaining a license to operate issued by the City of Osseo.
- (2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation, which desires to operate more than one adult-oriented establishment, must have a license for each.
- (3) No license or interest may be transferred to any person, partnership or corporation.
- (4) All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of passage of this ordinance. If an application is not received within said ninety



(90) day period, then such existing adult-oriented establishment shall cease operations.

(c) **Application for License:**

- (1) Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk. A copy of the application shall be distributed promptly to the City of Osseo Police Department and the applicant.
- (2) The application for a license shall be upon a form provided by the City Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:
  - a. Name and address;
  - b. Written proof that the individual is at least eighteen (18) years of age;
  - c. The exact nature of the adult-oriented use to be conducted and the address of the adult-oriented establishment to be operated by the applicant;
  - d. If the applicant is a corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of any shareholder(s) who individually or jointly owns or controls more than ten (10%) percent of the stock in said corporation and all persons responsible for the management and operation of the adult-oriented establishment;
  - e. If the applicant is a partnership or joint venture or any other type of organization where two (2) or more persons have a financial interest, the application shall specify the name of the entity, the name and address of any general partner(s) and all persons responsible for the management and operation of the adult-oriented establishment.
- (3) Within sixty (60) days of receiving an application for a license, the City Clerk shall notify the applicant whether the application is granted or denied or whether the application period is being extended for another sixty (60) day period.
- (4) Whenever an application is denied, the City Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held before the Common Council of the City of Osseo, pursuant to section (14) below.
- (5) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial by the City Clerk.

(d) **Standards for Issuance of License:**

- (1) To receive a license to operate an adult-oriented establishment, an application must meet the following standards:
  - a. If the applicant is an individual:
    - (i) The applicant shall be at least eighteen (18) years of age;
    - (ii) The applicant shall not have been found to have previously violated this ordinance or an ordinance of like terms in another jurisdiction or have been arrested or convicted for a violation for which licensure may be denied under Wisconsin State Statute §111.335 within five (5) years immediately preceding the date of the application.
  - b. If the applicant is a corporation:
    - (i) All persons required to be named under Section (3)(b)(4) shall be at least eighteen (18) years of age.
    - (ii) No person required to be named under Section (3)(b)(4) shall have been found to have previously violated this ordinance or an ordinance of like terms in another jurisdiction or have been arrested or convicted for a violation for which licensure may be denied under Wisconsin State Statute § 111.335 within five (5) years immediately preceding the date of the application.
  - c. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest.
    - (i) All persons required to be named under Section (3)(b)(5) shall be at least eighteen (18) years of age.
    - (ii) No person required to be named under Section (3)(b)(5) shall have been found to have previously violated this ordinance or an ordinance of like terms in another jurisdiction or have been arrested or convicted for a violation for which licensure may be denied under Wisconsin State Statute § 111.335 within five (5) years immediately preceding the date of the application.

(e) **Fees:**

- (1) A license fee of Five Hundred and no/100 Dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(f) **Display of License:**

- (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.
- (2) Any license of employees or agents that work in said establishment that relate to this license or establishment shall be displayed with the adult-oriented establishment license.

(g) **Renewal of License:**

- (1) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance or the following June 30<sup>th</sup>, whichever is earlier, unless sooner revoked, and must be renewed before operation is allowed in the following fiscal year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed ninety (90) days before the license expires. The application for renewal shall be filed in triplicate and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly to the City Clerk and to the City of Osseo Police Department. The Clerk shall require complete information and data, given under oath or affirmation, as is required for an application for a new license.
- (2) A license renewal fee of Three Hundred and no/100 Dollars (\$300.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of Two Hundred and no/100 (\$200.00) shall be assessed against an applicant who does not file for a renewal ninety (90) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(h) **Suspension or Revocation of License:**

- (1) The Common Council of the City of Osseo may revoke a license for any of the following reasons:
  - a. Discovery that false or misleading information or data was given on any application or material acts were omitted from any application.
  - b. The operator or any employee of the operator violated any provision of this ordinance or any rule or regulation adopted by the Common Council of the City of Osseo pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of sixty (60) days if the Common Council of the City of Osseo shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  - c. The operator becomes ineligible to obtain a license.
  - d. Any cost or fee required to be paid by this ordinance is not paid.
- (2) The Common Council of the City of Osseo before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges against the operator, and the opportunity for a public hearing before the Common Council of the City of Osseo, pursuant to Section (14) below.
- (3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- (4) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.

(i) **Physical Layout of Adult-Oriented Establishment:** Any adult-oriented establishment having available for customers, patrons, or any members a booth, room or cubicle for a private viewing of any adult entertainment must comply with the following requirements:

- (1) **Access.** Each booth, room or cubicle shall be totally accessible to and from aisle and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
- (2) **Construction.** Every booth, room or cubicle shall meet the following construction requirements:
  - a. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.
  - b. Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the room.
  - c. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.
  - d. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
  - e. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
- (3) **Occupants.** Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individuals shall damage or deface any portion of the booth.

(j) **Responsibilities of the Operator:**

- (1) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (2) Any act or omission of any employee that constitutes a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- (3) No operator or employee of an adult-oriented establishment shall allow any minor to loiter nearby or to frequent an adult-oriented establishment or allow any minor to view adult entertainment as defined herein.
- (4) The operator shall maintain the premises in a clean and sanitary manner at all times.
- (5) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser

level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

- (6) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.
- (7) No operator shall suffer, allow or permit any employee or entertainer and no employee or entertainer shall intentionally touch the clothed or unclothed body of any patron or customer at the establishment premises, at any point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, commonly referred to as the hand. It shall further be unlawful for any patron or customer in or upon the establishment premises, to touch any portion of the clothed or unclothed body of an operator, employee or entertainer below the neck and above the knee, excluding that part of the operator's, employee's or performer's arm below the wrist, commonly referred to as the hand.
- (8) Display of ordinance. This Ordinance shall be displayed on the exterior of every licensed premise with such ordinance to be clearly visible to patrons entering the premises from the outside and shall be posted within eight (8) feet of any exterior entryway. The ordinance shall also be placed in each room and any enclosed location or booth within an establishment licensed under this section. The Common Council of the City of Osseo may, by formal motion or resolution, authorize the posting of an abbreviated form of this ordinance, so as to notify patrons, employees and operators of the regulations stated in this section. The exterior signs shall be in block letters, written in black on a white background surface, and be no less than one inch in size. The interior signs shall be of a similar type and color with a minimum height of ½-inch each. Upon application of the owner, abbreviated versions of this ordinance may be posted or other amendments to this section may be approved, consistent with the intent of this ordinance in keeping affected persons apprised of the requirements of this ordinance.

(k) **Location:**

- (1) No adult-oriented establishment shall be located:
  - a. Within five hundred (500) feet of an existing adult-oriented establishment, or other late-night business including but not limited to laundromats or movie theaters.
  - b. Within five hundred (500) feet of any premises of a Licensee of a Class "B" Fermented Malt Beverage Retailer's License or Retail "Class B" Liquor License.
  - c. Within five hundred (500) feet of a "youth center" or "sensitive area" as defined by this ordinance.

- d. Upon any land except lands within the City of Osseo which are zoned B-3 Highway Business District.
    - e. Within five hundred (500) feet of an area zoned residential.
  - (2) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, sensitive area, or the premises of a Licensee of a "Class B" Fermented Malt Beverage Retailer's License or Retail "Class B" Liquor License, or a residential dwelling.
  - (3) The City Council may waive the above restrictions if it is found that an adjacent activity or use proposed is in the best interest of the city and that the safety and welfare of the community is protected. The waiver may be introduced by the City Council, or by written request or petition.
- (l) **Hours of Operation:**
  - (1) No adult-oriented establishment shall be open between the hours twelve a.m. (12 a.m.) and eight a.m. (8:00 a.m.).
- (m) **Registration of Entertainers:**
  - (1) Any person desiring to provide entertainment in the City of Osseo as an entertainer at any facility governed under this ordinance, before engaging in any such entertainment shall register at the City of Osseo Police Department and pay a fee of Twenty-five and no/00 Dollars (\$25.00). The individual shall provide full name and permanent address, date and place of birth, information concerning height, weight, hair and eye color, gender and race, two (2) forms of identification with at least one (1) form being photo identification confirming such information, and if requested, fingerprints, stage name and booking agent if any. Such registration shall be valid for one (1) year from date of registration, or if employed by an establishment holding a liquor license, on June 30<sup>th</sup> following issuance.
  - (2) No person shall permit entertainment by an individual subject to this Section without prior registration as required in paragraph (1) above.
- (n) **Administration Procedure and Review:** Any person may request, in writing by a letter to the City Clerk, review regarding the granting, denial, renewal, non-renewal, revocation or suspension of a license for an adult-oriented establishment.
- (o) **Exclusions:** All private schools and public schools as defined in Wisconsin State Statutes Chapter 115, located within the City of Osseo are exempt from obtaining a license hereunder when instructing pupils in professional nursing care or human growth and development as a part of its curriculum. All licensed medical care or professional nursing care facilities located within the City of Osseo, and agents of the City of Osseo and all corresponding, Town, County, state and federal departments and agencies are

exempt from obtaining a license hereunder when engaged in the providing of medical care or human growth and development education.

(p) **Penalties and Prosecution:**

- (1) In addition to all other remedies available to the City of Osseo in equity and under law, any person who shall violate any provision of this ordinance or who shall fail to obtain a license or permit as required hereunder, or who shall operate after his or her license is revoked, shall be subject to penalty, on a per diem or per occurrence basis as follows.
- a. Any person who operates an adult-oriented establishment who fails to obtain a license or permit as required under this ordinance, shall be subject to an initial fine of Five Hundred and no/100 Dollars (\$500.00) and additional fines of Three Hundred and no/100 Dollars (\$300.00) per day for each day that the person continues to operate an adult-oriented establishment without a license or permit in violation of this ordinance.
  - b. Any person who operates an adult-orientation establishment after his or her license has been revoked, shall be subject to an initial fine of Five Hundred and no/100 Dollars (\$500.00) and additional fines of Three Hundred and no/100 (\$300.00) per day for each day the person continues to operate an adult-oriented establishment in violation of this ordinance.
  - c. Any person with a valid license for an adult-oriented establishment who violates any provision of this ordinance shall be subject to a fine of Two Hundred and no/100 Dollars (\$200.00) per day for each day the person is in violation of this ordinance.

(q) **Severability:**

- (1) The several sections of this ordinance are declared to be severable. If any section, provision, phrase, word or any portion of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section, word, phrase, provisions or portion thereof directly specified in the decision, and not affect the validity of all other provision, words, sections or portions thereof of the ordinance which shall remain in full force and effect.

- (r) **Effective Date.** This ordinance shall take effect after passage and publication as provided by law. Adopted July 8, 2002 and published July 17, 2002.

**Sec. 13-1-61 E-1 Mineral Extraction or Landfill Overlay District.**

- (a) **Purpose.** The intent of this District is to provide a means of properly siting, regulating and reclaiming mineral extraction and landfill sites.

- (b) **Permitted Uses.** Mineral extraction operations and landfill sites that are presently in existence, provided that applicable provisions of this Section are complied with.
- (c) **Conditional Uses.** Conditional uses in the District shall include all conditional uses listed in the underlying district. Conditional use procedures, as described in Article E, shall be adhered to as well as the requirements of this Section, with the more restrictive provision being applicable. In addition, the following are permitted conditional uses:
- (1) Extension of legally existing mineral extraction operation or the creation of a new such extraction operation.
  - (2) New mineral extraction operations and the following: Landfills; solid waste management facilities, recycling centers; bio-remediation sites; and soil extraction or scraping for purposes of obtaining fill material for such large scale operations as landfill sealing, roadbed construction, etc; or similar uses. These uses shall be a conditional use in all zoning districts except in the Industrial and Agricultural Districts.
- (d) **Basic District Standards.**
- (1) **Basic Standards.** The basis standards in this District shall be controlled by those of the underlying district unless more restrictive standards are established in the conditional use approval. Also, excavations or fill areas within two hundred (200) feet from any right-of-way or property line shall not be permitted unless the Common Council determines that the operational plans adequately provide for:
    - a. Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
    - b. Aesthetic screening from abutting properties.
    - c. Dust control from the operation and/or any stockpiling.
    - d. Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this two hundred (200) foot area.
  - (2) **Permit Validity; Operational Requirements.** The conditional use permit shall be in effect for a period not to exceed one (1) year and may be renewed upon application for a period not to exceed one (1) year; a shorter period may be established by Common Council action. There shall be an annual fee as prescribed by Section 1-3-1 for such permit. Modifications or additional conditions may be imposed upon application for renewal. Operational requirements shall include the following where applicable, and all require Common Council approval:
    - a. Fencing or other suitable barriers shall be erected as necessary to protect the public.
    - b. Machinery, roads and equipment used in the extractive operation shall be constructed, maintained and operated in such a manner as to minimize dust.
    - c. Crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.



- d. Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the City and other applicable agencies.
  - e. Hours of operation may be established and enforced by the Common Council.
  - f. Other requirements deemed necessary by the Common Council.
- (3) **Plan of Reclamation.** A reclamation plan meeting the standards of NR 135, Wis. Adm. Code, shall be submitted and approved by all applicable agencies and the Common Council.
- (e) **Existing Operations.** Existing operations shall be subject to the following further requirements:
- (1) **Permit.** Within sixty (60) days after the original adoption of this Section all existing extractive operations shall be required to register with the Zoning Administrator, submitting pertinent data relative to the present operation, including the boundaries of the actual operation and of the ownership. A permit shall be granted to such existing operation, subject to compliance with the operational requirements, listed above where they can be reasonably applied under existing circumstances.
  - (2) **Plan for Restoration.** There shall be required within one (1) year after original adoption of this Section, the submission of a plan for restoration of the site of existing extractive operation as provided above. The plan for restoration in such case shall not, however, impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this Section.
- (f) **Renewal Permit.** Within one year after the original enactment date of this Section, any such existing operation shall be required to make application for a renewal permit the same as for reapplication in the case of a new operation under this Section.
- (g) **Plan of Operation.** All mineral extraction operations including those operations and activities which lawfully existed prior to the original adoption of this Section shall prepare a plan of operation for the site which shall include the following information:
- (1) Statement of ownership of the parcel and control of the operations.
  - (2) A site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all proposed storage and stockpiling areas.
  - (3) Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.
  - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

- (5) Methods of screening from adjacent properties and proximity to adjacent properties.
  - (6) Hours of operation and, if applicable, a phasing plan for future operations.
  - (7) Dust and noise control.
  - (8) Maximum depth.
  - (9) Blasting procedures.
  - (10) Location and height of stockpiles.
  - (11) Such other information the Common Council deems pertinent to the operation.
- (h) **Gravel Crushing; Permit Requirement.** In addition to all other conditional use permit and other requirements prescribed in this Section, an annual permit is required for the placement or operation at any mineral extraction site of any portable or fixed gravel crushing equipment. Such gravel crushing operation permit shall be valid for one (1) year; the Common Council may attach reasonable conditions to such permit. The annual fee for the permit shall be as prescribed in Section 1-3-1.
- (i) **Definitions.** As used in the Section:
- (1) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
  - (2) **Nonmetallic Mining or Mineral Extraction Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
  - (3) **Nonmetallic Mining or Mineral Extraction Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining or mineral extraction operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining or mineral extraction operation.
  - (4) **Nonmetallic Mining or Mineral Extraction Site.** The location where a nonmetallic mining mineral extraction operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the mineral extraction operation by activities as the construction or improvement of roads or haulage ways.
  - (5) **Operator.** Any person who is engaged in a mineral extraction operation or mineral extraction site reclamation or who applies for or holds a nonmetallic mining permit issued under this mineral extraction reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
  - (6) **Reclamation.** The rehabilitation of a mineral extraction site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement

of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

- (7) **Replacement of Topsoil.** The replacement of the topsoil which was removed or disturbed by a mineral extraction operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.
- (j) **Exempt Activities.** The reclamation of sites within the District shall not apply to the following activities:
- (1) Excavations or grading by a person solely for domestic use at his or her residence.
  - (2) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
  - (3) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
  - (4) Excavations for building construction purposes.
  - (5) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94 Wis. Stats.
  - (6) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (k) **Financial Assurance.** Before rezoning and a reclamation plan is approved by the Common Council, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Common Council.
  - (2) Guaranteed completion of the required reclamation within a period determined by the Common Council.
  - (3) Payment by the operator for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the City Engineer and Attorney, as well as other costs of a similar nature.
  - (4) The City may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
  - (5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the City Engineer's estimated cost of the required improvements.

- (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Common Council, at its option, may extend the bond period for additional periods.
- (l) **Fences.** Prior to reclamation, mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- (m) **Inspection.** An authorized agent of the City may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.0119, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Section.
- (n) **Prohibition and Orders.** Mineral extraction mining operations within the City are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Section or if other requirements of this Section are not met.

***State Law Reference:*** NR 135, Wis. Adm. Code.

**Sec. 13-1-62 through 13-1-69 Reserved for Future Use.**

