

ZONING

[HISTORY: Adopted by the Common Council of the City of Buffalo City 10-8-1969 by Ord. No. 61. Amendments noted where applicable.]

GENERAL REFERENCES

Keeping of animals — See Ch. 8.
Building construction — See Ch. 30.
Bulkhead lines — See Ch. 37.
Floodplain and shoreland-wetland zoning — See Ch. 112.
Mobile homes and mobile home parks — See Ch. 190.
Official Map — See Ch. 216.
Riverfront projects — See Ch. 264.
Telecommunication Tower and Antennas — See Ch. 304.

§ 350-1. Interpretation.

- A. The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Buffalo City, Wisconsin.
- B. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

§ 350-2. Districts.

- A. For the purposes of this chapter, the City of Buffalo City, Wisconsin, is hereby divided in four districts, as follows:
 - (1) Residential District.
 - (2) Agricultural District.
 - (3) Commercial District.
 - (4) Industrial District.
- B. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "District Map, City of Buffalo City, Wisconsin," dated October 8, 1969, which map accompanies and is made a part of this chapter. All notations and references shown on the District Map are as much a part of this chapter as though specifically described herein.
 - (1) The district boundaries are either streets, alleys, lot lines, or natural features such as streams, unless otherwise shown, and where the designation on the District Map indicates that the various districts are approximately bounded by a street, alley, lot lines or stream, such lot line or the center line of such street or alley, or the main

channel of such stream shall be construed to be the district boundary line.

- (2) In unsubdivided property, the location of the district boundary lines shown on the District Map shall be determined by use of the scale shown on such map.
- C. There shall be a certified copy of the District Map described above. A copy of such map shall be kept in the office of the City Clerk, and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the District Map, the certificate to be signed by the mayor and attested by the City Clerk, and it shall show the number and title of this chapter and the date of its adoption. Thereafter no amendment of this chapter which causes a change in the boundaries of any district shall become effective until such change, together with a certificate describing the change, has been shown on the certified copy. Such certificate of amendment shall likewise be signed by the Mayor, attested by the City Clerk, and shall show the number of the amending ordinance and the date of its adoption.

§ 350-3. Definitions and word usage.

- A. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure", the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State and City Building Codes.
- B. For the purposes of this chapter, certain words and terms are defined as follows:

ABBUTTING – To touch or end at one end or side.(Added 8-15-2016)

ACCESSORY BUILDING — A subordinate building not for vehicle storage, not more than 120 square feet in area, which is located on the same lot on which the main building is situated or on an adjacent lot or lots which are titled to the same owner of the lot which must be within 20 feet of the lot the main building is located on. Must not be more than 100 feet from the main building, or if a Residential District, from the principal dwelling. [Amended 7-14-1997/ 8-15-2016/ 7/13/2020]

ADJACENT – Close to, lying near each other.(Added 8-15-2016)

ACREAGE — Any tract or parcel of land which has not been subdivided and platted.

ALLEY — A public or private way which affords only secondary vehicular access to abutting property.

APARTMENT — A room or suite of rooms in a multiple dwelling, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family. ¹

AUTOMOBILE REPAIR — General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

AUTOMOBILE SERVICE STATION — A place where gasoline stored only in underground

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

AUTO WRECKING JUNKYARD — Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.²

BASEMENT — A story partly or wholly underground.³

BILLBOARD — Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which such sign is located.

BOARDINGHOUSE — A building other than a hotel where meals, or lodging and meals, are furnished for compensation for persons not members of the resident family.

BUILDING — Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.

BUILDING AREA — The buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

BUILDING HEIGHT — The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. [Amended 7-14-1997]

BUILDING LINE — For the purpose of this chapter the building line is the same as a front yard setback line.

BUILDING, MAIN — A building constituting the principal use of a lot.

CARPORT — A structure attached or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor driven vehicles.

DWELLING — A building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, boarding- and lodging houses.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

DWELLING, ONE-FAMILY — A detached building designed for and occupied exclusively by one family.

DWELLING, MULTIPLE — A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

DWELLING, TWO-FAMILY — A building designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT — One or more rooms in a dwelling or apartment hotel designed primarily for occupancy by one family for living or sleeping purposes.

EXCEPTION — The use of property, including the use and location of buildings, the size of lots and the dimensions of yards, otherwise not allowable under the terms of this chapter, for which a special permit may be issued under the conditions specified in this chapter.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional family or the functional equivalent thereof, exhibiting the generic character of a traditional family.⁴

FLOOR AREA — The area within the exterior wall lines of a building; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basement or utility rooms, garage, breezeway and unenclosed porches.

FRONTAGE — All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

GARAGE, PRIVATE — A permanent building for motor vehicle storage of which not more than one shall be a commercial vehicle of not more than 10,000 pounds, which is located on the same lot on which the main building is situated or on an adjacent lot or lots which are titled to the same owner of the lot which must be within 20 feet of the lot the main building is located on. Garage must not be more than 100 feet from the main building, or if a Residential District, from the principal dwelling. (Ammended 8-15-2016)

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

GARAGE, STORAGE — Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

GUESTHOUSE — A structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HOME OCCUPATION — Any use customarily conducted entirely within the dwelling and

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Clinics, professional offices, hospitals, barbershops, beauty parlors, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, kennels, among others, shall not be deemed to be home occupations.

HOSPITAL or SANATORIUM — An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

HOTEL — A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

JUNKYARD — Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.

KENNEL — Any lot or premises on which four or more dogs, at least four months of age, are kept.

LESS RESTRICTED — The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this chapter.

LOADING SPACE — An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. A loading space is not a parking space for the purposes of this chapter.

LODGING HOUSE — A building other than a hotel where rooms without board or kitchen facilities either in or in connection with such rooms are provided for compensation for persons not members of the resident family.

LOT — A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this chapter and abutting on a public street or officially approved place.

LOT, CORNER — A lot situated at the intersection of two or more streets.

LOT DEPTH — The horizontal distance between the front and rear lot lines measured in the mean direction on the side lot lines.

LOT FRONTAGE — The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

LOT, INTERIOR — A lot other than a corner lot.

LOT WIDTH — The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MANUFACTURED HOME — A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on the site: [Added 7-10-2000]

- (1) Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. Comm 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Common Council or a committee appointed thereby. The Common Council or a committee appointed thereby may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
- (2) Is installed in accordance with the manufacturer's instructions.
- (3) Is properly connected to utilities.

MOBILE HOME — That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.⁵

MOBILE HOME PARK — Any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation.⁶

MORE RESTRICTED — The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this chapter.

MOTEL — A building or group of buildings in which lodging, with or without meals, is offered to transient guests for compensation, with no kitchen facilities in any individual room or apartment, and with not less than one off-street parking space provided for each such room or apartment.

NONCONFORMING USE — Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this chapter or amendments thereto, which does not conform, after the passage of this chapter or amendments thereto, with the regulations of this chapter.

NURSING HOME or REST HOME — A private hospital for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries, or for surgical care.

PARKING AREA, PRIVATE — An open area for the parking of privately owned automobiles and not for public use.

PARKING AREA, PUBLIC — An open area, other than street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PARKING SPACE — An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile. A loading space is not a parking space for the purpose of this chapter.

PORCH — A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open to the weather in part.

PROFESSIONAL OFFICE — The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

SETBACK — The depth of the front yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a proposed street on the Official Map, whichever results in the greater front yard depth.

SIGN — Any structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or attention is directed to advertising on the same or any other structure, by any means visible to the eye.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

STREET — All property dedicated or intended for public or private street purposes or subject to public easements therefor, which affords the principal means of vehicular access to abutting property.

STREET LINE — A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

STRUCTURE — Anything constructed or erected, which required location on the ground or attached to something having location on the ground.

TOURIST COURT — A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

TOURIST HOME — A dwelling in which overnight accommodations are provided or offered for transient guests.

TRAILER, AUTOMOBILE — A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a trailer coach or house trailer.

USE — The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

VALUE, MARKET — That value at which a seller willing to sell, but not forced to sell, would sell to a buyer willing to buy, but not forced to buy.

VARIANCE — A departure from the terms of this chapter as applied to a specific building or lot, which the Board of Appeals may permit, contrary to the regulations of this chapter for the district in which such building or lot is located, when the Board finds that a literal application of such regulations will cause a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.

VISION CLEARANCE — A space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points located on each street line at specified distances from the corner.

YARD — An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT — A yard extending the full width of a lot between the nearest wall of the main building and the front lot line or the right-of-way line of a proposed street on the Official Map, whichever requires the greater front yard depth, excluding only such projections as are permitted hereinafter.

YARD, REAR — A yard extending the full width of the lot between the rear lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter. In the case of irregular or triangular lots, where none of the lines bounding the rear of the lot are parallel or approximately parallel to the front lot line, the rear lot line for the purposes of this chapter shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

YARD, SIDE — A yard extending from the front yard to the rear yard, between the side lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter.

§ 350-4. Regulations applicable in all districts.

Except as specifically provided otherwise in this chapter, the following regulations shall apply to all districts:

A. Buildings and uses.

- (1) No provision of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
- (2) No provision of this chapter shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of overground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.
- (3) The use of buildings hereafter erected, converted, enlarged or structurally altered and

the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

- (4) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.
- (5) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter and the construction of which shall have been started within six months from the date of such permit.
- (6) Nonconforming uses.
 - (a) The existing lawful use of a building or premises at the time of the enactment of this chapter or any amendment thereto may be continued although such use does not conform with the provisions of this chapter for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.
 - (b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefor shall first have been secured from the Board of Appeals. See Subsection A(9) of this section.
 - (c) If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
 - (d) The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50% of the assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
- (7) (a) Accessory buildings which are not a part of the main building shall not occupy more than 25% of the area of the required rear yard, shall not be more than 12 feet high and shall not be nearer than three feet to any lot line. Where an accessory building is not located entirely within the rear yard, the side yard requirements for the district in which the premises are located shall be applied to such accessory building.

(b) Private garages which are not part of the main building shall not be more than 18 feet high and shall meet all setback requirements as referred to in each district. (Added stipulation between garage/accessory building 8-15-2016/ Amended to 18 foot height 7/13/2020)

A private garage with an entrance on an alley, shall be located not less than 10 feet from the nearest alley line

- (c) The above height and area restrictions shall not apply to accessory buildings or private garages on farms of 10 or more acres in area, but such accessory buildings shall not be closer than 100 feet to any side lot line.
- (8) The Board of Appeals, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by this chapter, provided that the Board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provided further that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the Board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this chapter:
- (a) Cemeteries.
 - (b) Fire and police stations.
 - (c) Hospitals and clinics, but not veterinary hospitals or clinics.
 - (d) Institutions, public or private, of an educational, philanthropic or charitable nature.
 - (e) Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
 - (f) Public dumping grounds.
 - (g) Public utility buildings, structures and lines, including microwave radio relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
 - (h) Railroad siding and structures.
 - (i) Sewage disposal plants or lift stations.
- (9) The Board of Appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the Board shall find the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.
- (10) Nothing herein contained shall prevent the permanent location of a mobile home on any lot located in the City of Buffalo City, Wisconsin, for which a mobile home permit has been issued before the effective date of this chapter and where such mobile home is so located prior to the effective date of this chapter. Upon removal of the mobile home, no future mobile home may be located on said lot(s). [Amended 7-14-1997]
- (11) Basement homes.
- (a) Basement homes will be permitted to be utilized as temporary living quarters in the City of Buffalo City, Wisconsin, for a period of two years after they are

constructed; by the end of such two-year period, a permanent family residence, meeting the requirements of this chapter, must have been erected over such basement home or such basement home shall be deemed an unlawful building, structure or use and in violation of the provisions of this chapter; any such violation shall be dealt with according to the provisions of § 350-13 of this chapter.

- (b) Existing basement homes located in the City of Buffalo City, Wisconsin, shall be granted a period of three years from the date of this chapter during which time they may be utilized as temporary living quarters; by the end of such three-year period, a permanent family residence, meeting the requirements of this chapter, must have been erected over such basement home or it shall be deemed an unlawful building, structure or use in violation of the provisions of this chapter; any such violation shall be dealt with according to the provisions of § 350-13 of this chapter.

B. Area regulations.

- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- (2) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family, subject to the setback, rear yard and side yard regulations for the district in which it is located; provided, further, when applicable, that it meets the lot area as required by the Department of Commerce, Ch. Comm 85, Wis. Adm. Code.

(3) Provided the lot otherwise complies with the minimum lot width, depth, and size requirements set forth in this ordinance for the district in which the lot is located, a setback requirement from a private well or septic system that would otherwise make the lot undevelopable shall be considered a hardship which would justify the granting of an area variance to infringe on a front, side, or rear yard setback requirement. (Added 7-2024)

C. Height regulations.

- (1) Except as otherwise provided in this chapter, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- (2) A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the mean level of the adjoining ground is more than five feet.
- (3) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided the front,

side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

- (4) Ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this chapter and may be erected in accordance with other local regulations or ordinances; provided that any such structure which is accessory to a building in a Residential District shall be located not less than 25 feet from any lot line.⁷

D. Front, side and rear yard regulations.

- (1) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required for another building.⁸
- (2) No part of any building which has a setback less than is required by this chapter shall be enlarged or structurally altered within the front yard established by the setback required by this chapter for the district in which such building is located.
- (3) Buildings on through lots and extending from street to street may waive the requirements for a rear yard furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
- (4) Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:⁹
 - (a) Sills, belt courses, cornices, awnings, canopies, eaves and ornamental architectural features may project into any required yard not more than 30 inches; provided that no such feature shall project over a street line more than eight inches; provided further that this regulation shall not apply to retractable awnings, which may extend over a street line to not less than one foot from the curbline.
 - (b) Bay windows, balconies and chimneys may project into any required yard not more than three feet, or into any side yard which does not abut on a street three feet, or into any side yard which does not abut on a street three feet or 20% of the width of such side yard, whichever is the lesser amount; provided that the total length of such projections on any one building wall shall not exceed 1/3 the length of such building wall.

7. Editor's Note: Original Subsections C(5), (6) and (7), which followed this subsection, were repealed 7-14-1997.

8. Editor's Note: Original Subsections D(2), (3) and (4), which followed this subsection, were repealed 7-14-1997.

9. Editor's Note: Original Subsection D(7)(a), which followed this lead-in paragraph, was repealed 7-14-1997.

- (c) Fire escapes may project into any required yard not more than five feet, or into any side yard which does not abut on a street five feet or 20% of the width of such side yard, whichever is the lesser amount; provided that this regulation shall not be construed to require or permit a fire escape of less width than the minimum established by the State Building Code;
- (d) Uncovered steps, stoops and landings may project into any required yard not more than six feet, or into any side yard which does not abut on a street six feet or 20% of the width of such side yard, whichever is the lesser amount; provided that no such steps, stoops or landings shall extend above the main or principal entrance floor, except for a railing or wall not more than three feet in height. No deck may be constructed unless the front yard setback is at least 12 1/2 feet from any property lines abutting a street. Side yard and rear yard setbacks for decks shall be three feet. [Amended 7-14-1997]
- (e) Platforms, walks and drives extending not more than six inches above the average ground level at their margins, and retaining walls when the top of any such wall is not more than six inches above the average level of the abutting ground on one side, may be located in any required yard.
- (f) Fences, hedges and walls other than retaining walls may be located as follows:
 - [1] Fences having a ratio of solid part to open part greater than 1:4, hedges and walls, except retaining walls, more than six feet in height shall be considered as buildings or structures, and the appropriate requirements of this chapter shall be accordingly applied.
 - [2] Fences, hedges and walls, except retaining walls, shall not exceed 3 1/2 feet in height when located in a front yard or in a side yard which abuts on a street.
 - [3] Fences, hedges and walls, except retaining walls, shall not exceed 2 1/2 feet in height when located in a vision clearance triangle.

E. Motor vehicles and parking.

- (1) Except upon issuance of a conditional use permit, no person shall park or leave standing on or off any street or portion thereof in a Residential District as defined by Chapter 350, Zoning, of the Code of the City of Buffalo City, any commercial vehicle other than a registered district school bus having a manufacturer's gross vehicle weight rating of 10,000 pounds or more. The prohibition hereby imposed shall not apply to the parking or standing of such a vehicle for the purpose of making pickups or deliveries from or to any building or structure located within such Residential District, or for the purpose of delivering materials to be used in the repair, alteration, remodeling or construction of any such building or structure for which a building permit has been obtained. [Amended 7-14-1997]
- (2) In any Commercial and Industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be

free and unobstructed to the passage of traffic.¹⁰

(3) Parking space.

- (a) Every dwelling hereafter erected or structurally altered shall provide parking space on the same lot, off the public street and accessible thereto, in the ratio of not less than one such parking space for each family which the building is intended to accommodate.
- (b) Every building hereafter erected or structurally altered for any industrial use shall provide not less than one such parking space for each four employees on the premises at any one time, plus not less than one additional parking space for each vehicle operated in connection with the use of such building.

F. Waterfront property.

- (1) All waterfront property in the City of Buffalo City, Wisconsin, is owned by the Department of the Army, Corps of Engineers, and not by individual landowners.
- (2) The City of Buffalo City, Wisconsin, leases all of this shoreline or waterfront property from the said Corps of Engineers and subleases said property to individual landowners in the City of Buffalo City, Wisconsin.
- (3) Any individual wishing to place any boat, boathouse, dock, or other tangible object along said shoreline shall first comply with the provisions of Chapter 264, Riverfront Projects, of the Code of the City of Buffalo City.

G. Numbering of all principal dwellings. All principal buildings in the City limits, no matter what district they are in, must have the house number clearly posted on the address side of the street. Numbers must be at least 6 inches high and in a contrasting color. (Added 8-15-2016)

H. Building in the Floodplain– Any person applying for a building permit to construct or remodel a building or other improvement on property located in the flood fringe portion of the floodplain shall submit with the application for a building permit an hydrologic and hydraulic study which shall be prepared by a registered, professional engineer and which shall demonstrate that the proposed improvement will not increase the regional flood elevation, expand the floodplain, or discharge additional water to a neighboring property. Any such improvement shall comply with all applicable laws, including but not limited to *Wis. Admin. Code ch. NR 116*. The City will not consider an incomplete application for a building permit and all applications for building permits shall be subject to approval by the building committee of the common council. (Added 7-2024)

§ 350-5. Residential District. [Amended 1-11-1971; 10-13-1981; 7-14-1997; 8-15-2016, 7-13-2020]

- A. The Residential District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses. The

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

following uses of land are permitted:

- (1) One-family dwellings. "One-family dwelling" includes a manufactured home. [Amended 7-10-2000¹¹]
- (2) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

B. Conditional uses:

- (1) Customary home occupations.
- (2) Churches, cemeteries, all graded schools, libraries and hospitals.
- (3) Telephone buildings, exchanges and transformer stations.
- (4) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
- (5) Public parks, playgrounds, recreational and community center buildings and grounds.
- (6) Multiple dwellings.¹²
- (7) The parking of a commercial motor vehicle which otherwise is prohibited by § 350-4E(2), upon such appropriate conditions and safeguards which the Board of Appeals may approve; provided, however, no conditional use permit shall permit the running of the tractor engine or a refrigerator unit for more than 1/2 hour upon arriving or leaving the City limits, nor shall the permit allow the parking of a tractor or semitrailer on any public street or street right-of-way for more than 1/2 hour.
- (8) Any use permitted in the Commercial or Industrial District which the Board of Appeals may approve upon appropriate conditions and safeguards which the Board deems to be in harmony with the intent and purposes of this § 350-5. (Ammended 7-13-2020 to add word Industrial)

C. Yards and spaces required:

- (1) Maximum building height: 35 feet. [See § 350-4A(7) for maximum height of accessory buildings.]
- (2) Minimum side yard:
 - (a) Principal building: 15 feet (least width); 40 feet total.
 - (b) Accessory building: three feet on each side.
 - (c) Private garage: 15 feet each side (Added 8-15-2016)
- (3) Minimum front yard setback: 25 feet, including accessory buildings and private garages. (Ammended 8-15-2016)

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (4) The minimum front yard and side yard setbacks on a corner lot shall each be 25 feet.
[Added 7-10-2000]
- (5) Minimum rear yard setback: Principal dwelling: 25 feet; Accessory building: 3 feet;
Private garage: 25 feet or 10 feet with alley access. (Ammended 8-15-2016)
- (6) Minimum lot area per family: 15,000 square feet.
- (7) Minimum main floor area per family: 1,000 square feet.¹³
- (8) Minimum width of dwelling: 20 feet.

§ 350-6. Agricultural District.

- A. Use. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
- (1) Any use permitted in the Residence District.
 - (2) General farming, except farms operated for the disposal of garbage, rubbish, offal or sewage.
 - (3) Hospitals and clinics. See § 350-4A(8)(c).
 - (4) Dams, power plants, and flowage areas.
 - (5) Roadside stands for the sale of farm products.
 - (6) Signs not over eight square feet in area advertising the sale or lease of farm property or the sale of farm products produced on the premises, provided that no advertising sign of any other character shall be permitted in the Agricultural District.
 - (7) Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; radio and television stations and transmission towers and microwave radio relay towers.¹⁴
- B. Height and area. The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows: For buildings hereafter erected for human habitation the height of buildings, setbacks, the minimum dimensions of yards, the lot area and floor area per family shall be the same as required in the Residential District by § 350-5 of this chapter and any amendments thereto; and provided that, when applicable, where the regulations of the Department of Commerce, Ch. Comm 85, Wis. Adm. Code, require a larger lot area than any of the above, such regulations shall govern. [Amended 10-13-1981¹⁵]

¹³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁴. Editor's Note: Original Subsection A8, re: stables for horses, added 1-11-1971, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. Setback. [Amended 1-11-1971¹⁶]

- (1) No farm buildings, other than a farm residence, shall be erected closer than 200 feet from the lot line of any adjoining landowner without the prior written consent of said landowner;
- (2) No farm buildings, other than a farm residence, shall be erected closer than 200 feet to the perimeter of any City street or public highway without the prior written consent of the Common Council of the City of Buffalo City, Wisconsin;
- (3) In no event shall any farm buildings, other than a farm residence, be erected closer than 200 feet to the perimeter of River Street or Spring Lake Road;
- (4) In no event shall any farm buildings, other than a farm residence, be erected closer than 25 feet to the lot line of any adjoining landowner or closer than 25 feet to the perimeter of any City street or public highway other than River Street or Spring Lake Road;
- (5) All other permitted buildings shall have a setback of not less than 25 feet. See § 350-3B, definition of "yard, front," and § 350-4A(5) and B(1) and D(1).

D. Vision clearance.¹⁷

E. Auto parking. See § 350-4E(4).

§ 350-7. Commercial District.

A. Use. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses: any use permitted in the Residential District; any of the following specified uses:

- (1) Animal hospital, pet shop.
- (2) Art shop, antique shop, gift shop.
- (3) Automobile sales and service establishments, public garage, parking lot.
- (4) Bakery (retail).
- (5) Bank, financial institution.
- (6) Barbershop, beauty parlor.
- (7) Book and stationery store, newsstand.
- (8) Bowling alley, pool- and billiard room.
- (9) Bus depot.
- (10) Business and professional offices, public utility offices.

¹⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (11) Candy store, confectionery store.
- (12) Clinic.
- (13) Clothing store, department store, dress shop.
- (14) Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.
- (15) Florist shop.
- (16) Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish market.
- (17) Furniture store, office equipment store, upholsterer's shop.
- (18) Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies, sporting goods store.
- (19) Hotel, motel, tourist cabins.
- (20) Jewelry store, watch repair shop.
- (21) Laundry or cleaning and dyeing establishment.
- (22) Microwave radio relay structures.
- (23) Music store, radio and television store.
- (24) Optical store.
- (25) Photographer and photographer's supplies.
- (26) Police and fire station, post office, municipal garage, except public shops and storage yards.
- (27) Printing shop.
- (28) Restaurant, barbecue stand, cafe, cafeteria, caterer, lunchroom, tavern.
- (29) Tailor shop, clothes pressing shop.
- (30) Telephone and telegraph office.
- (31) Temporary structures, including signs, billboards and outdoor advertising structures.
- (32) Theaters and places of amusement, except drive-in theaters.
- (33) Tobacco store.
- (34) Undertaking establishment.
- (35) Variety store, notion shop.
- (36) Any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- (37) Such accessory uses as are customary in connection with the foregoing uses and are

incidental thereto.

- B. Height and area. The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- (1) Height. Buildings hereafter erected or structurally altered shall not exceed 45 feet in height. See § 350-4C(2) and (3).
 - (2) Side yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Residential District shall apply; otherwise a side yard shall not be less than 10 feet in width.
 - (3) Setback. No setback shall be required; provided that for buildings or parts of buildings hereafter erected or structurally altered for residential use, the setback regulations for the Residential District shall apply.
 - (4) Rear yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet. See § 350-4A(5), B(1) and D(1), (2), (3) and (4).
 - (5) Lot area per dwelling. Every building or part of a building hereafter erected for commercial purposes shall provide a lot area the same as required in the Residential District by § 350-5 of this chapter. See also § 350-4B(1) and (2) and D(1). [Amended 10-13-1981¹⁸]

§ 350-8. Industrial District.

- A. Use. Unless otherwise provided in this chapter, buildings or land may be used for any purpose except the following:
- (1) Residential, educational or institutional uses.
 - (2) Uses in conflict with any laws of the State of Wisconsin or any ordinance of the City of Buffalo City governing nuisances.
 - (3) Any of the following uses unless the location of such use has been approved in writing by the Board of Appeals after investigation and public hearing. In approving or disapproving proposed locations for uses under this subsection, the Board shall give due consideration to the character and suitability for development of the neighborhood in which any such use is proposed to be located, and shall also base its decision on such evidence as may be presented to the Board regarding those attributes of the proposed use, such as increased traffic on the public streets, heavy vehicular traffic and the emission of noise, smoke, dust or dirt, odorous or noxious gases and the like, that would be detrimental to such character and such suitability for development:
 - (a) Acid, ammonia, bleach, chlorine or soap manufacture.

¹⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (b) Ammunition manufacture; explosives or fireworks manufacture or storage.
- (c) Asphalt, coal and coal tar or coke manufacture.
- (d) Automobile wrecking yard; junk yard.
- (e) Bones, distillation of.
- (f) Cement, lime, gypsum or plaster of Paris manufacture.
- (g) Fat rendering.
- (h) Fertilizer manufacture.
- (i) Forge plant.
- (j) Garbage, rubbish, offal or dead animal reduction or dumping.
- (k) Gelatin, glue or size manufacture.
- (l) Inflammable gases or liquids, refining or manufacture of; overground tank farms.
- (m) Slaughterhouse, stockyard.
- (n) Smelting.

B. Height and area. The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:¹⁹

- (1) Height. Buildings hereafter erected or structurally altered shall not exceed 60 feet in height. See § 350-4C(3).
- (2) Side yard. There shall be a side yard on each side of a building, and no such side yard shall be less than 25 feet in width; provided that, where a boundary of the Industrial District abuts a side or rear lot line of any lot in a Residential District, and there is no intervening street, any industrial use, including any accessory uses, shall be set back from such residential lot line not less than 25 feet. See § 350-4D(1).
- (3) Setback. There shall be a setback of not less than 25 feet, but this regulation shall not apply to any building erected or under construction on the effective date of this chapter. See § 350-3B, definition of "yard, front," and § 350-4A(5), B(1) and D(2).
- (4) Rear yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See § 350-4A(6), B(1) and D(1), (2), (3) and (4).

C. Vision clearance.²⁰

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

D. Auto parking. See 350-4B(4).²¹

§ 350-9. Board of Appeals.

- A. A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Common Council, for three years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years. The Mayor shall designate one of the members as Chairman. The Mayor shall appoint an alternate member for a term of three years, who shall sit with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees. Retroactive to January 1, 1972, the Chairman shall receive the same compensation for each meeting as is paid to the Mayor of the City of Buffalo City, Wisconsin, for each meeting of the Common Council. Retroactive to January 1, 1972, the other members of the Board of Appeals shall receive the same compensation for each meeting as is paid to the members of the Common Council of the City of Buffalo City, Wisconsin, for each meeting thereof. The members shall be removable by the Mayor for cause upon written charges and after public hearing. [Amended 7-10-1972]
- (1) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board of Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
 - (2) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- B. Powers of the Board of Appeals.
- (1) The Board of Appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter; to hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; to authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board may permit, in appropriate case and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and welfare.²²

- (2) In exercising the above powers, such Board may, in conformity with the provisions of § 62.23. Wis. Stats., reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.²³
- (3) To hear and decide exceptions to the terms of this chapter, as follows (See § 350-3B, definition of "exception"):
 - (a) To grant a permit for the change of a nonconforming use to another nonconforming use of the same classification. See § 350-4A(9).
 - (b) To grant permits for certain specified uses, under certain circumstances, in districts from which such uses are otherwise excluded by this chapter. See § 350-4A(8). Upon written application from the owner or occupiers of the premises and consistent with § 350-5B, the Board of Appeals shall have the right to grant conditional use permits in the Residential District. The Board of Appeals may place specific conditions and restrictions upon the conditional use permit, set the period of time during which it will remain in effect, and make provisions for the renewal of the permit. Any such conditional use permit may, upon public notice and hearing, be modified or revoked by the Common Council if either 1) the holder of the permit has failed to comply with any of the conditions or restrictions contained in the conditional use permit, or 2) although the holder is in compliance, the permit use interferes with the use or character of the adjoining properties in the same Residential District. [Amended 7-14-1997]
 - (c) To approve the location of specified use in the Industrial District, as provided in § 350-8 of this chapter.
 - (d) To grant a permit for a temporary building for commerce or industry in a Residence District which is incidental to the residential development, such permit to be issued for a period of not more than one year.
 - (e) To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this chapter.
 - (f) To permit in the Residence District, in appropriate cases and subject to appropriate conditions and safeguards, the alteration or conversion into a multiple dwelling of a building which was in use as a residence on the effective date of this chapter, and which has prior to such conversion, a floor area in excess of 2,000 square feet; provided, however, as follows:²⁴

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- [1] The enclosed usable area of the building shall not be increased nor shall the height of the building be increased.
 - [2] Living quarters shall not be provided except in those portions of the building devoted to or designed for living quarters at the time of the adoption of this chapter.
 - [3] The open spaces surrounding the building shall be at least equivalent to those required by this chapter for a new building.
- (g) The Board of Appeals shall have authority to act on any application for the location of a mobile home park and in deciding whether or not to grant or deny such application, the Board shall take into consideration the general purpose and intent of this chapter to promote the public health, safety, and general welfare, to prevent the development of housing blights, and to conserve the taxable value of land and buildings throughout the City.
- (4) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (5) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.
- (6) Applications to the Board of Appeals shall be accompanied by a fee as set by the Common Council. [Added 7-14-1997²⁵]

§ 350-10. Changes and amendments.

- A. The Common Council may change the districts and regulations after first submitting the proposed changes to the City Plan Commission for recommendation and report and after publishing a Class 2 notice, under Ch. 985, Wis. Stats., of the proposed changes and hearings thereon, and of the opportunity to any person interested to be heard. At least 10 days' prior written notice of changes in the district plan shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of the land to be affected by the proposed change, but failure to give such notice shall not invalidate any such change. [Amended 7-10-1972]
- B. In case of protest against such change duly signed and acknowledged by the owners of

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

20% or more of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of 3/4 of the members of the Common Council.

§ 350-11. Enforcement.

- A. It shall be the duty of the Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this chapter. [Amended 1-7-1980]
- B. No building shall hereafter be erected, moved or structurally altered until a land use permit therefor shall have been applied for and issued.
- C. All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building or buildings, the lines within which the building or buildings shall be erected, altered or moved, the existing or intended use of each building or part of a building, blueprints of the building intended to be constructed, the number of families the main building is intended to accommodate, a sanitary permit, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter, together with such land use permit fee in the amount as shall be established and fixed by the Common Council. Plans shall include the type of materials to be used and drawings of exterior design. [Amended 1-7-1980; 7-14-1997]
- D. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- E. Except as otherwise provided in this chapter, the Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector shall issue or refuse to issue a land use permit within 45 days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal set forth therein. [Amended 1-7-1980]

§ 350-12. Certificate of compliance. [Amended 1-7-1980]

- A. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or amendments hereto. Such certificate shall be applied for when application is made for a land use permit and shall be issued within 10 days after the completion of the work specified in such land use permit application, but only if the building or premises and the

proposed use thereof conform with all the requirements of this chapter.

- B. Under such rules and regulations as may be established by the Common Council, the Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector may issue a temporary certificate of compliance for part of a building.
- C. Upon written request from the owner, the Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

§ 350-13. Violations and penalties. [Amended 1-7-1980]

- A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Common Council or a committee appointed thereby to exercise the prior functions of the Building Inspector shall promptly report all such violations to the City Attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- B. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter may also be required, upon conviction, to forfeit not less than \$100, nor more than \$5,000, for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Buffalo County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense. [Amended 7-14-1997]

§ 350-14. Annexation.

All territory hereafter annexed to the City of Buffalo City, Buffalo County, Wisconsin, shall retain its zoning classification under the county or town zoning ordinance in effect on the date of such annexation, and the zoning district boundaries and regulations so established shall remain in full force and effect until superseded by other district boundaries and regulations for such annexed territory adopted by the Common Council.

§ 350-15. Title.

This chapter may be known and may be cited as the "City of Buffalo City Zoning Ordinance, dated October 8, 1969."

