

ORDINANCE NO. OR06-08

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CHAPTER 106, ZONING, ARTICLE VII., MODIFICATIONS,
SECTION 106-168. YARDS,
AS IT RELATES TO ZONING
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION 1. Chapter 106, Zoning, Article VII, Modifications, Section 106-168 Yards, are hereby repealed and recreated as follows:

ARTICLE VII. MODIFICATIONS

Sec. 106-168. Yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows, unless exceptions are otherwise indicated:

- (a) *Uncovered stairs.* Uncovered stairs, landings and fire escapes may project into any yard but shall not exceed ten feet nor be closer than three feet to any lot line.

- (b) *Architectural projections.* Architectural projections, such as sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.

- (c) *Fences.* Fences are a permitted accessory use in any district and may be erected with a permit, provided that fences shall comply with the following requirements:
 - (1) *Wire and electric.* Barbed wire/razor wire, wire mesh and electric fences are prohibited in the city except in the A-1 agricultural district, and except as provided in subsection (c)4 of this section for manufacturing districts. Agricultural fences are permitted adjacent to the lot line and shall not exceed three feet in height in the street yard or six feet in height in the side yard or rear yard. Permits for fences in excess of three feet in height shall be reviewed by the city plan commission.
 - (2) *Residential and business fences.* Residential and business fences are permitted adjacent to the lot line in the side and rear yards of residential and business districts, but shall not exceed a height of six feet, and shall not extend into the street yard. It shall be the constructor's responsibility to maintain the fence and area up to the lot line.
 - (3) *Ornamental fences.* Ornamental fences, excluding chain link fencing, as defined in section 106-384, are permitted adjacent to the lot line in any district, but shall not exceed a height of three feet when located in the street yard. Ornamental fences shall comply with the traffic visibility requirements set forth in section 106-146.
 - (4) *Security fences.* Security fences are permitted adjacent to the property lines in manufacturing districts, and may contain three strands of barbed wire, but shall not exceed ten feet in height. Security fences shall comply with the traffic visibility requirements set forth in section 106-146.
 - (5) *Aesthetics.* All fencing shall have the face side (aesthetic side) facing the street.

- (d) *Accessory Buildings*

- (1) *Applicability.* This section applies to all zoning districts except for all single family residential districts. Reference Sec. 106-91.1, 106-91.2, and 106-91.3 for accessory building standards in single family residential districts.
- (2) *Performance Standards.* All structures shall conform and compliment the general character of the surrounding neighborhood. Exterior finishes, colors and construction materials must be consistent with the exterior finish and colors of the principal structure.
- (3) *Restrictions:* There shall be no more than 1 garage structure per dwelling unit.
- (4) *Building Standards*
 - a. Maximum building height: 15 feet, but not to exceed the height of the principal structure
 - b. Maximum rear yard coverage: 30 percent of the total rear yard area
 - c. Maximum floor area, detached private garages: 960 square feet
 - d. Maximum floor area, all other detached accessory structures, such as garden or utility sheds: 144 square feet.
 - e. Residential Setbacks: No closer than 5 feet to any lot line.
 - f. Commercial and Industrial Setbacks: No closer than 10 feet to any lot line or street right-of-way.
 - g. Distance from principal structure: 10 feet
- (5) *Building Placement.*
 - a. Detached private garages: side or rear yard
 - b. Other detached accessory structures, such as garden or utility sheds: rear yard, not to be plainly visible from the street.
- (6) *Conditional uses.* Reference 106-118 – 106-129.
- (e) *Minor structures and vegetation.* Minor structures and vegetation used for landscaping and decorating may be placed in the required street yard and side yards. Permitted structures and vegetation include flagpoles, basketball goals, ornamental light standards, lawn furniture, sundials, birdbaths, trees, shrubs, and flowers.
- (f) *Private swimming pools.* Private swimming pools are permitted accessory uses in any district, except the CD conservancy district, floodplain or the floodplain fringe district. The purpose of this section is to provide protection and safety of individuals, provide land use controls, and provide for the general health and welfare of the neighborhood.
 - (1) *Definition:* A private swimming pool is a body of water in an artificial receptacle, whether located indoors or outdoors, used or intended to be used for the purposes of swimming, diving or recreational bathing, and includes all structural facilities, appliances, appurtenances and equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
 - (2) *Applicability:* This code applies to all new, remodeled, altered and relocated private swimming pools, except that protective enclosure requirements shall be retroactive to all existing swimming pools.
 - (3) *Permit required:* A building permit shall be required for all private swimming pools, except for:
 - a. Storable children's wading pools;
 - b. Portable above ground wading or swimming pools which are constructed that it may be readily disassembled for storage and reassembled to its original integrity.

- (4) *Construction requirements:* All private swimming pools shall be constructed or erected in accordance with architectural plans, if any, and all manufacturer's specifications and instructions.
 - (5) *Setbacks and other location requirements:* Private swimming pools shall be constructed or erected in rear yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on a vacant lot. No private swimming pool shall be located closer than six feet to a lot line.
 - (6) *Fences:* All in-ground swimming pools shall be surrounded by a fence not less than five feet nor more than six feet in height. All gates shall be equipped with a self-latching device placed at least three feet above the ground, accessible deck or stairs. All aboveground swimming pools shall be surrounded by a fence or otherwise protected to prevent unguarded entry to the pool.
 - (7) *Access requirements:* Access to swimming pools shall be controlled. Access to in-ground swimming pools shall be controlled by a self-latching gate, and all such gates shall be kept securely closed and locked at all times when the owner is not present at the pool. For an aboveground swimming pool, ladders, stairways, and other means providing access shall be adequately secured to prevent entry when not in use.
 - (8) *Lighting:* No lighting installed around swimming pools shall throw any direct rays onto adjacent properties and roadways.
 - (9) *Electrical requirements:* Swimming pools shall not be constructed directly under or over electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence.
 - (10) *Drainage:* The draining of swimming pools shall be directed to a public storm sewer or catch basin connected to a public storm sewer, and shall be controlled to prevent any adverse effect on adjoining properties. No swimming pools shall be drained into any on-site private sewage system or directly into a navigable body of water.
 - (11) *Maintenance and operation:* All swimming pools shall be maintained in such a way as to not create a nuisance, hazard, eyesore, or otherwise result in a substantial adverse effect on neighboring properties or be in any way detrimental to public health, safety or welfare.
 - (12) *Plan commission authority:* The building inspector or zoning administrator may refer to the plan commission any permit application for a swimming pool which he/she determines to be undesirable in appearance. The plan commission shall have authority to approve or deny such permit and to require such additions or changes as it may deem necessary or appropriate.
- (g) *Detached Energy Systems.* All detached energy systems using fuel such as wood, coal, or other solid fuel, liquid fuel or waste oil burners, boilers, furnaces, or generators, associated with the production of useable heat or energy, which are not located within the primary structure shall be considered an accessory use and shall only be permitted in accordance with the following:
- (1) *Location.*
 - a. Detached energy systems shall not be located in front or street yard locations.
 - b. Minimum setbacks to side and rear yards shall be two hundred (200) feet.
 - c. Minimum setback to an adjacent front yard or street yard residence shall be two hundred (200) feet.
 - d. Minimum chimney stack or exhaust stack height shall be twenty (20) feet.
 - (2) *Impacts.*

- a. No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance.
 - b. All detached energy systems are required to meet emission standards required by the Environmental Protection Agency, Underwriters Laboratories listing, and the Wisconsin Department of Natural Resources.
- (h) *Essential services.* Essential services, utilities and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

SECTION II: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR06-08 introduced and its adoption moved by Alderperson Unbehaun; and seconded by Alderperson Edinger.

Upon a pole vote thereon, the result was as follows:

 9 Votes Cast
 9 Votes Yes
 0 Votes No

The Mayor declared Ordinance Number OR06-08 adopted, approved and signed the same this 26th day of June, 2006.

Gerald Sonnabend
Mayor

Attested:

Lori M. Gosz, CMC
City Administrator/Clerk-Treasurer