

OFFICIAL PUBLICATION

(Pub. June 14, 1923.)

ORD. NO. 511

ZONING ORDINANCE

THE COMMON COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. In order to designate, regulate, and restrict the location or locations of buildings or structures designed or occupied for specified uses, the City of Eau Claire, is divided into districts as follows:

First Residence Districts	First Business Districts
Second Residence Districts	Second Business Districts
Industrial Districts	

As herein further defined and limited and as shown on a map entitled "Building Zone Plan of the City of Eau Claire" accompanying this Ordinance, filed in the Office of the City Clerk of said City on June 6th, 1923, which said map is hereby declared to be a part hereof. The Districts designated herein and on said map and the boundaries thereof are hereby established. No building or premises shall be erected or used for any purpose other than the purpose permitted in the District in which such premises, building or property is located, or shall fail to conform to the height and area regulations herein established, except as provided in Sections Seven and Eight hereof.

SECTION 2. USE REGULATIONS. In First Residence Districts no buildings or structures shall be erected, constructed, altered or maintained, or premises maintained, except as provided in Section Seven hereof, which shall be used, or intended to be used, for any purpose other than that of a single or two family dwelling, boarding or rooming house for not more than twenty roomers or boarders, private clubs, (except clubs the chief activity of which is a service usually carried on as a business), religious, public, educational, philanthropic and eleemosynary (other than correctional) institutions, branch telephone exchange or hospital.

SECTION 3. In Second Residence Districts no building or structure shall be erected or premises maintained, except as provided in Section Seven hereof, which shall be used, or intended to be used, for any purpose other than those specified in First Residence Districts herein, or multiple dwelling or flat dwelling, Boarding or lodging house, apartments, hotel or telephone exchange.

SECTION 4. In First Business Districts no building or structure shall be erected, maintained or premises maintained, except as provided in Section Seven hereof, which shall be used or intended to be used for boiler shop, coal, lumber, wood, brick, stone, cement or junk yards, or storage of scrap iron or scrap paper, railroad freight station, or switch yard, oil or gasoline filling station, or storage station, factory employing more than twenty-five persons, or any industry prohibited by Section Six hereof in Industrial Districts, or any business or industry noxious or offensive by reason of the emission of odor, dust, gas, vapor, smoke or noise.

SECTION 5. In Second Business Districts no building or structure shall be erected or maintained or premises maintained except as provided in Section Seven hereof, which shall be used or intended to be used for a purpose prohibited in the First Business and the Industrial Districts herein, except that oil and gasoline filling stations with a storage capacity of not more than 6,000 gallons may be established in said Second Business Districts, subject to the restrictions contained in said Section Seven.

SECTION VI. In the Industrial Districts no building, structure or premises shall be erected, constructed, altered or maintained which shall be used or designed, or intended to be used, for the manufacture of gunpowder or other explosives, reduction, collection or incineration of offal, carcasses, garbage, bones, or refuse, making soap, candles, glue, tallow, oil, chemicals, bone or fat boiling, or any other purpose so inherently dangerous to persons or to property or so noxious or offensive by reason of emissions or emanations as to affect the continuation, extension or establishment of other lawful industries in its neighborhood. (See amendment to Fire Limits Ordinance, April 9, 1924.)

SECTION VII. (a) EXISTING NON-CONFORMING USES CONTINUED. Any lawful use existing in any building or premises at the time of the passage of this ordinance may be continued therein, although not conforming to the regulations of the use district in which such building or premises are situated.

(b) CHANGES ALLOWED. Such non-conforming use may be changed to another non-conforming use which is not inherently dangerous to persons or property or noxious or offensive by reason of the emission of odor, dust, smoke, or noise, and which is not forbidden by paragraph "(f)" of this section.

(c) REBUILDING AND ADDING TO NON-CONFORMING USES. Any nonconforming building or premises existing, or in which a nonconforming use exists, at the time of the passage of this ordinance, may be altered, or rebuilt, or repaired, in case of impairment or destruction by fire or other cause, or additions may be made thereto, all by permission of the Common Council on recommendation of the City Plan Commission, providing that such rebuilding, changes or additions will not injuriously affect neighboring property, or the public health, safety and general welfare, and that they conform to the area and height regulations of the district in which such buildings or premises are, and to the city building ordinances.

(d) ALTERATIONS OF EXISTING RESIDENCES. In First Residence Districts, residences existing at the time this ordinance becomes effective may be altered so as to accommodate not more than four families, provided such alterations conform to the the area and height regulations herein established.

(e) ACCESSORY BUILDINGS, DOCTORS' OFFICES IN DWELLINGS, ETC. Nothing contained herein shall prevent the usual accessories to uses which are permitted by the provisions of this ordinance, such as the use by a physician, surgeon, dentist, or other person practicing the art of healing, artist, or musician or other professional of his or her residence as an office or studio. Customary out buildings, including house boats, boat houses, bridges, vessels or railroad shelter may be located within or maintained as accessory to any building lawfully within the boundaries of any district herein specified. The term "accessory" shall not include a business, a billboard or advertising sign, or window or other display. A garage for more than four motor vehicles shall not be deemed accessory.

(f) RESTRICTIONS AS TO GARAGES AND OIL OR GASOLINE DISTRIBUTING STATIONS. No garage for more than four cars shall be located so as to have an entrance or exit for automobiles upon any street within 200 feet of main entrance or exit of a church, hospital, public or private school, playground, orphanage or children's home for children under 16 years of age, if in the same block, or less than 100 feet if not in the same block; provided that the institution for children named herein are attended by more than 12 children per day.

(g) ICE HOUSES. Ice houses for the storage of natural ice may be erected and maintained upon the banks of _____ at places permitted by the Common Council upon recommendation of the City Plan Commission.

(h) UNDEVELOPED AREAS. In outlying undeveloped areas permits may be granted for the erection of green houses, hot houses and nurseries, provided that such structures are not within 300 feet of an existing dwelling not to be used in connection with them or any of them, any permits may also be granted for the usual farm building upon lands in such outlying areas used for farm purposes. And upon such undeveloped areas temporary nonconforming structures may be erected for not more than two years, unless the Mayor or Common Council upon recommendation of the City Plan Commission, shall otherwise order.

HEIGHT AND AREA REGULATIONS

SECTION 8. GENERAL PROVISIONS AND DEFINITIONS. (a) Where a building is sought to be erected near an existing building or buildings which do not conform to the area or height regulations herein provided, or in the case of narrow blocks where lots extend through the block and front on two streets, and in other situations where compliance with this ordinance would cause great hardship, the Mayor and Common Council may, on recommendation of the City Plan Commission, grant a permit for a building or buildings, which will not conform to the provisions of the ordinance; but no such permit shall be issued which would injuriously affect the public health, safety or general welfare, or which would introduce any nonconforming use in any district, except in those cases as provided in Section Seven preceding.

(b) A corner lot is a lot at a corner or junction of two or more intersecting streets between which there is an interior angle of less than 135 degrees.

(c) A rear yard is an open space, unoccupied by a structure, on the same lot with a building, between the extreme rear line of the building opposite the street front and the rear line of the lot. The owner of a corner lot may elect, by a statement of his plans, any street boundary as his front. In the case of a triangular or gore lot the rear is the boundary not bordering on a street. The depth of a lot is the average distance from the street front line of the lot to the rear of the lot.

(d) A building that is back to back with the rear of another property (and not back to side), and which extends more than 55 feet back from the nearest street, must have a rear yard, as provided herein, unless its rear abuts upon a public alley at least 12 feet wide, in which case a rear yard is not required. But the requirements of a rear yard must be reciprocal, and cannot be imposed upon one lot unless there would be a similar obligation under this ordinance with respect to a building erected upon the lot or plot immediately behind such yard.

(e) The area of a building within the meaning of this ordinance shall be the maximum horizontal projection of a building and its accessories, not including open iron work fire escapes.

SECTION 9. HEIGHT REGULATIONS. (a) Except as provided in Section Eight herein, no building hereafter erected shall exceed in height the restrictions hereby established for the district wherein such building is erected nor shall any existing building be altered so as to increase its height in such a way as to exceed the restrictions established for the district wherein such building exists; provided, however, that grain elevators, gas tanks and other such industrial structures, also towers and spires may be erected to any height; provided, however, that the maximum

horizontal dimensions of a spire or tower shall not exceed one-fourth the maximum frontage of the building on any street lot shall such tower or spire have a base area greater than twenty-five hundred (2500) square feet.

SECTION 10. No building exceeding 45 feet in height shall be erected in the First Residence District hereof, except that churches, school buildings, and other institutional building referred to in Section Two hereof, may be erected to a height of 60 feet and that towers and spires may be built as provided above.

SECTION 11. No building shall be erected in the Second Residence District whose height exceeds 65 feet, except as provided herein for towers and spires.

SECTION 12. No building shall be erected in the First or Second Business District whose height exceeds 100 feet, except as provided for towers and spires.

SECTION 13. No building or structure shall be erected in an Industrial District whose height exceeds 80 feet, except that grain elevators, chimneys and other such industrial structures and special processes, also towers and spires may be built as above provided.

SECTION 14. AREA REGULATIONS. Except as provided in Section Eight herein, no building hereafter erected shall exceed in area the restrictions hereby established for the district wherein such building is erected nor shall any existing building be altered so as to increase or change its area in such a way as to exceed the restrictions established for the districts wherein such building exists.

SECTION 15. (a) Except as provided in Section Eight and Sub-section A-1, no buildings shall hereafter be erected in the First Residence District whose area exceeds 60% of the area of the lot or plot upon which they are erected, nor shall they be built so as to extend within fifteen feet of any street line or within eight feet of either side line or within ten feet from the rear line, excepting that a garage or other outbuilding not more than fourteen feet in height may be built up to the side line or rear line, but must be at least thirty feet from the street line. (See Ordinance #868 for appendage A-1.)

(b) But in First and Second Residential Districts where at least one-half of the buildings on either side of the street between two intersecting streets conform to a greater setback than above required, no new building and no alterations of an existing building shall project beyond such greater setback line.

(c) In such district two dwellings shall not be built upon the same lot or plot with their outside walls less than ten feet apart.

SECTION 16. Except as provided in Section Eight, no buildings shall be erected in the Second Residence District which occupy more than 75% of the lot or plot on which they are erected or whose outside walls shall extend within ten feet of the street line or five feet of either side line or within ten feet of the rear line of said lot or building, excepting that a garage or other out building not more than fourteen feet in height may be built as provided as to location and area in Section Fifteen hereof.

SECTION 17. In the First and Second Business Districts where a lot or plot abuts at the rear upon a public alley at least twelve feet wide, a building may be erected to cover the entire lot or plot, and where said lot or plot does not abut upon such an alley such building shall have a rear yard free of all structures of at least seven feet. But no rear yard shall be required of buildings abutting upon a railroad right-of-way or railroad sidetrack.

SECTION 18. RESTRICTED NEIGHBORHOOD DISTRICTS. The residence zones herein established may be subdivided into neighborhood groups, each regulated by its own restrictions, as agreed upon by 80% of the property owners with the approval of the City Council upon recommendation by the City Plan Commission. These neighborhood restrictions must conform to the minimum limitations for the district and must not annul other ordinances.

SECTION 19. Any territory embraced within any future enlargement of the city limits of said City of Eau Claire shall be in the First Residence Districts hereof until otherwise classified by the Common Council of said City upon the recommendation of the City Plan Commission.

SECTION 20. Any business or industry not herein classified shall, on application, be classified by the Mayor and Common Council upon the recommendation of the City Plan Commission.

SECTION 21. This ordinance shall be enforced by the City Building Inspector. He shall issue no permit for the construction or alteration of any building or structure for which the plans and specifications and intended use and location are not in conformity with the provisions of this ordinance, unless the Common Council shall authorize a permit therefor on recommendation of the City Plan Commission, as provided in Section Eight hereof.

An outline plat of the proposed structure, showing its location upon the lot or plot and its street front, shall be filed with the inspector. A brief statement of all permits issued shall be published every Saturday in the official city newspaper, and until the Mayor and Council shall create a Board of Appeals, any citizen may appeal to the City Plan Commission from the grant or refusal of a permit by the Inspector. Such Commission may hear such appeal summarily, and a majority vote of its members shall sustain or reverse the Inspector's decision. Pending such decision by the Commission, proceedings under a permit shall be stayed.

SECTION 22. Nothing contained in this ordinance shall require any change in the plans and construction or intended use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within the six months of the date of such permit, and the ground story and frame work of which including the second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from the date of the passage of this ordinance. Nothing herein contained shall prevent the restoration of a wall declared unsafe by the Inspector of Buildings.

SECTION 23. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be fined a sum not exceeding \$100.00. Each day, after one week from date of conviction, that a violation of this ordinance continues, shall be deemed a separate offense.

SECTION 24. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the portion so adjudged, and the rest of this ordinance shall remain valid and effective.

SECTION 25. After its adoption this ordinance may be amended upon the recommendation of the City Plan Commission by a two-thirds vote of the Common Council of the City of Eau Claire, unless a protest is filed against a proposed amendment, in which case procedure for amendment shall be in accordance with the Wisconsin statutes.

SECTION 26. This ordinance shall be published once in the official city paper immediately following its passage, and shall be in force and effect from and after its passage and publication.

Passed, June 6th, 1923.

(SEAL) J.E.BARRON, MAYOR,

Approved June 7th, 1923.

(ATTEST) O.E.OIEN, CITY CLERK.

March 28, 1923. The foregoing ordinance presented, read first and second times and referred.

June 6, 1923. We recommend the passage of the foregoing ordinance.

J. E. BARRON, MAYOR,

W. H. BARNES, COUNCILMAN,

D. D. LOCKERBY, COUNCILMAN.

June 6, 1923. The foregoing recommendation adopted, ordinance read a third time and passed by the following vote: Ayes, Mayor Barron, Councilmen Barnes and Lockerby.

OFFICIAL PUBLICATION

(Pub. May 2nd, 1924).

ORL. #577

A N O R D I N A N C E

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ZONING ORDINANCE FOR EAU CLAIRE, WISCONSIN".

THE COMMON COUNCIL OF THE CITY OF EAU CLAIRE DO ORDER AS FOLLOWS:

SECTION I. An Ordinance entitled "Zoning Ordinance for Eau Claire, Wisconsin", is hereby amended by striking out of said ordinance, the following words, where the same appear in Section 7, paragraph "f";

"No oil or gasoline distributing station shall be located upon the corner of any block so as to have an entrance or exit for automobiles upon two intersecting streets; and"

SECTION II. This ordinance shall take effect and be in force from and after its passage and publication.

Passed April 23rd, 1924.

(SEAL) J. E. Barron, Mayor.

Approved April 24th, 1924.

(ATTEST) G. E. Olsen, City Clerk.

April 2nd, 1924. The foregoing ordinance presented, read first and second times and referred.

April 23rd, 1924. We recommend the passage of the foregoing ordinance.

J. E. Barron, Mayor.
D. R. Lockerby, Councilman.
C. B. Spillum, Councilman.

April 23rd, 1924. The foregoing recommendation adopted, ordinance read a third time and passed by the following vote: Ayes, Mayor Barron, Councilman Lockerby and Spillum.