

ARTICLE 17 PERFORMANCE STANDARDS

490-2300 Generally

The performance standards in this article are established to promote the health, safety, and general welfare of the public by creating an objective and equitable basis to control potentially hazardous and nuisance-like effects of various land uses and to ensure that the community is adequately protected. These performance standards may have the effect of limiting, restricting, and prohibiting the ways in which otherwise permissible land uses may operate. In addition to these established standards, there may be other applicable local, state, and federal codes and standards that also apply.

490-2301 Odors

- A. **Applicability.** The odor control standards established in this section apply to all land uses and activities, except where the odor is created by (1) food cooking; (2) the construction of a principal use on the subject property; (3) the application of fertilizers; or (4) incidental traffic, parking, loading, or maintenance operations. Public utilities and services that are otherwise allowed under this code are essential public services and are therefore also exempt.
- B. **Standards.** Odors detectable (by a healthy observer such as the Zoning Administrator who is unaffected by background odors such as tobacco or food) at the boundary of the subject property may not exceed 15 minutes per day.

490-2302 Air pollution

- A. **Applicability.** The air pollution standards established in this section apply to all land uses and activities, except where the air pollution is created during the construction of a principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- B. **Standards for particulate matter.** The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
- C. **Standards for smoke.** Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (U.S. Bureau of Mines) is prohibited.
- D. **Other standards.** Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot must be controlled by appropriate landscaping, paving, oiling, or other acceptable means as determined by the reviewing authority.

490-2303 Fire and explosive hazards

- A. **Applicability.** The standards for fire and explosive hazards established in this section apply to all land uses and activities.
- B. **Standards.** (1) Any use involving materials which could decompose by detonation must be located at least 400 feet from any residential or commercial zoning district, except that this standard does not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. (2) Flammable and explosive materials at any point must have adequate safety and fire-fighting devices consistent with all fire prevention codes of the State of Wisconsin. (3) All materials that range from active to intense burning may be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system. (4) The storage of fuels and other materials that produce flammable or explosive vapors may be permitted only after review and approval by the City fire department and consistent with their requirements to minimize fire and explosive hazards.

490-2304 Glare and heat

- A. Applicability.** The standards for glare and heat established in this section apply to all land uses and activities, except where glare is created during the construction of a principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- B. Standards.** (1) No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. (2) There shall be no discernible transmission of heat or heated air at the lot line as determined by the Zoning Administrator.

490-2305 Water quality

- A. Applicability.** The standards for water quality established in this section apply to all land uses and activities.
- B. Standards.** (1) No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life. (2) No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Admin. Code or in other applicable chapters which regulate water quality.

490-2306 Vibration

- A. Applicability.** The requirements of this section apply to all uses and activities, except those vibrations created during the construction of the principal use on the subject property.
- B. Requirements.** No physical vibration emanating on a property that is above the vibration perception threshold of an individual shall pass beyond the property line of such property. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

490-2307 Noise

- A. Applicability.** The requirements of this section apply to all land uses and activities that create detectable noise, except (1) noise that is created during the construction of the principal use on the subject property; (2) noise from incidental traffic, parking, loading, and maintenance; (3) noise from equipment commissioning and intermittent equipment testing; and (4) noise from typical agricultural operations, if otherwise allowed.
- B. Requirements.** Noise attributable to a land use may not exceed the levels listed below when measured at the property boundary line. The property owner may propose mitigation measures as part of the site plan review process to achieve the minimum standards.

Table 17-1. Maximum noise levels

Zoning district with subject property	Abutting parcel is in residential district	Abutting parcel is in commercial district	Abutting parcel is in industrial district
Commercial	58 dBA	60 dBA	62 dBA
Industrial	60 dBA	60 dBA	62 dBA

Note: The specific zoning districts in each of the general categories are listed in § 490- in Article 7.

490-2308 through 490-2399 reserved