

CHAPTER 17

ZONING CODE

(CHAPTER AMENDED 01/01/07, 11/06/07)

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17.01 **AUTHORITY AND PURPOSE** In accordance with the authority granted by Wis. Stats. §60.74, 61.35, and 62.23, and for the purpose listed in §62.23, the Village ordains these zoning regulations. 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 Village. This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

17.02 **INTENT** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density; and regulate and restrict size and location of all structures so as to lesson congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar energy devices and other innovative development techniques; stabilize and protect property values; further the appropriate use of land conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. In addition, regulations set forth in this chapter have been adopted to prevent and control erosion, sedimentation and other pollution of surface waters; to further the maintenance of safe and healthful water conditions and prevent flood damage to persons and property. To this end, it is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

17.03 **DEFINITIONS** For the purposes of this chapter, certain words and terms are defined as follows:

(1) **ACCESSORY USE, BUILDING OR STRUCTURE.** Any detached building or structure, which is subordinate to the principal building on the lot, and serving a use subordinate to the principal use on a lot and used for purposes customarily incident to the principal use.

(2) **ALLEY.** A street, public right-of-way or thoroughfare affording only secondary access to abutting properties.

(3) **BABYSITTING.** Act of providing care and supervision for fewer than four children. This definition does not apply when the babysitter is related to the child or when more than four children in on household are related.

(4) **BASEMENT.** A story partly underground with at least one-half (½) of its height below the average level of the adjoining ground, which is not used as living area.

(5) **BOARDING HOUSE.** A building other than a hotel where meals or lodging and meals are provided for compensation for 3 or more persons of the owner's family.

(6) **BUILDING.** Any structure having a roof supported by columns or walls for the protection, shelter, enclosure or support of persons, animals or property.

(7) **BUILDING AREA.** Total ground coverage in square feet of all buildings and structures including garages, carports and other attached or accessory structures.

(8) **BUILDING HEIGHT.** The vertical distance from the top of the building roof to the average elevation at the front property line.

(9) CHANNEL. Flood lands normally occupied by a stream, lake bed or other body of water under average annual high-water flow conditions while confined within generally well-established banks.

(10) COMMUNITY LIVING ARRANGEMENT. Facilities licensed and operated or permitted under the authority of the state statutes: child welfare agencies under Wis. Stat. §48.60, group foster homes for children under Wis. Stats. §48.02(7m), and community-based residential facilities under Wis. Stats. §50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons or jails. The establishment of community living arrangements is governed by Wis. Stats. §46.03(22), 59.97(15), 60.63 and 61.35.

(11) CONDITIONAL USE. A use of land which, while appropriate for inclusion within a given district, poses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which is, therefore, permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

(12) CONDOMINIUM. A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style. Each individual unit constitutes one dwelling unit.

(13) CONSTRUCTION SITE CONTROL MEASURE. A control measure set to meet the states erosion control requirements.

(14) DAY CARE CENTER. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the state pursuant to Wis. Stats. §48.65.

(15) DENSITY. The number of living units per net acre allowable under a schedule of district regulations.

(16) DETACHED ENERGY SYSTEMS. (Outdoor Heating Devices) An alternative energy source system which is not located within the primary dwelling/structure on the parcel(s).

(17) DRIVE-IN ESTABLISHMENT. A place of business in which patrons can be served while remaining in their vehicles.

(18) DWELLING, SINGLE FAMILY. A detached building designed for, or occupied exclusively by, one family or household unit.

(19) DWELLING, TWO-FAMILY. A detached building containing two separate dwelling (or living units), designed for occupancy by not more than two families.

(20) EMERGENCY SHELTER. Public or private enclosures designed to protect people from flood, windstorm, fire, riots or invasions; and from aerial, radiological, biological or chemical warfare.

(21) ENVIRONMENTAL CONTROL FACILITY. Facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(22) EROSION. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(23) ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication, systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but does not include buildings.

(24) FAMILY. A group of persons related by blood, marriage or adoption or not more than four unrelated persons who live together in one dwelling unit as a single housekeeping facility.

(25) FOSTER FAMILY HOME. The primary domicile of a foster parent which is for four or fewer foster children and which is licensed pursuant to Wis. Stats. §48.62.

(26) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street right-of-way.

(27) GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises.

(28) GARAGE, PUBLIC. A structure or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced or stored.

(29) GROUP FOSTER HOME. A facility operated by a person required to be licensed by the state pursuant to Wis. Stats. §48.62 for the care and maintenance of five to eight foster children.

(30) HOME OCCUPATION. A gainful occupation conducted by members of a family only, within their place of residence, and incidental to the residential use and provided that any stock in trade that is kept or sold is incidental to the occupation.

(31) HOUSING FOR ELDERLY. A dwelling unit designed and constructed to be occupied by elderly person. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises or a family, the head of which or his spouse, is an elderly person.

(32) HOTEL. A building in which lodging, with or without meals, is offered to transient guest for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

(33) JUNKYARD OR SALVAGE YARD. An area consisting of building, structures or premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition. Junkyards are not permitted in the Village.

(34) LAND DEVELOPING. The Construction of buildings, roads, parking lots, paved storage area and similar facilities.

(35) LAND USER. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorized use of his land.

(36) LAND OWNER. Any person holding title to or having an interest in land.

(37) LIVING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breeze ways and unfinished attics.

(38) LOADING AREA. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(39) LOT. A parcel of land described in a recorded plat or deed.

(40) LOT, CORNER. A lot abutting on 2 or more streets at their intersection. (See Chapter 18 for more detail.)

(41) LOT LINES AND AREA. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(42) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

(43) LOT WIDTH. The width of a parcel of land measured at the rear of the specified front yard.

(44) MACHINE SHOPS. A shop where lathes, presses, grinders, shapers and other wood and metal working machines are used such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repairs shops; and overhaul shops.

(45) MANUFACTURING. Any industrial operation, the making or processing of a product with machinery.

(46) MANUFACTURED DWELLING. Any structure or component thereof which is intended for use as a dwelling and;

(a) Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site;

(b) Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

(c) A single or double width manufactured (mobile) home is not considered a manufactured dwelling.

(47) MINOR STRUCTURES. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet house, play equipment, arbors, and walls and fences under 4 feet in height.

(48) MANUFACTURED OR MOBILE HOME. A structure which is, or was, originally constructed or designed to be transported on its own supporting frame and axle, by motor vehicle upon a public highway and is 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.

(49) MOBILE HOME PARK. A parcel or parcels of land designed, maintained, intended or used for the purpose of providing a location and accommodations for 2 or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities; except that mobile home subdivision shall not be deemed a mobile home park. The park shall be licensed by the state and the Village.

(50) MOBILE HOME SUBDIVISION. A parcel of land subdivided into lots, each individually owned and utilized as the site for placement of a single mobile home and its facilities.

(51) MOTEL. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

(52) NONCONFORMING STRUCTURE. A building or premises lawfully used, occupied, or erected at the time of the passage of this chapter, or amendments thereto, which does not conform to the regulations of this chapter with respect to frontage, width, height, area, yard, parking, loading or distance requirements.

(53) PARKING SPACE. The area required for parking one automobile which, in this Title, is held to be an area ten feet wide and eighteen feet long (10' x 18'), not including passageways.

(54) PREMISES. A lot, parcel, tract or plot of land, together with the buildings and structures thereon.

(55) PUBLIC BUILDING: Are any type of building that is accessible to the public and is fund from public sources. Typically public buildings are funded through tax money

(56) RUNOFF. The rainfall, snow melt or irrigation water flowing over the ground surface.

(57) SERVICE BUILDING. A structure housing toilet, washing and bathing facilities as may be required by this chapter.

(58) SETBACK. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

(59) SIGN. A structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

(60) STORY. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for the purposes of height regulation.

(61) STORY, HALF. The space under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story.

(62) STREET. All property dedicated or intended for public or private street purposes or subject to public easements.

(63) STREET RIGHT-OF-WAY-LINE. The dividing line between a lot, tract or parcel of land and an abutting street.

(64) STRUCTURE. Anything constructed or erected having location on the ground.

(65) STRUCTURAL ALTERATION. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girder, or any substantial change in the roof structure or in the exterior or interior walls.

(66) TOWNHOUSES. A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards.

(67) TRAVEL TRAILER. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form:

(a) A unit built on a chassis, having a body not exceeding 8 feet and body length not exceeding 32 feet; or

(b) A unit designed to be mounted on a truck chassis; or

(c) A unit constructed as an integral part of a self-propelled vehicle; or

(d) A canvas, folding unit mounted on wheels (pop-up).

(68) VARIANCE. A departure from the terms of this chapter where it is shown that unique physical circumstances applying to a land parcel causes hardship to the owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses.

(69) VISION CLEARANCE TRIANGLE. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

(70) WETLAND. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

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

(72) YARD, FRONT. (Street Side) A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

(73) YARD, REAR. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building, excluding only such projections as are permitted herein.

(74) YARD, SIDE. A yard extending from the front yard, or from the lot line, where no front yard is required, to the rear yard between the side lot line and the nearest part of the principal building.

17.04 GENERAL PROVISIONS.

(1) Setback, lot size, and other dimensional requirements applicable to the various zoning districts are indicated in 17.05 and 17.06 of this chapter.

(2) Development standards, e.g. setbacks, listed for each zoning district shall apply to both permitted and conditional uses in that district, except as otherwise specified.

(3) After adoption of this chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed by this chapter cannot be met. However, where existing lots do not satisfy such requirements, the Board of Zoning Appeals, as provided in 17.19 of this chapter, may grant a variance.

(4) In case of a corner lot, the standards specified for "Front Yard Setback", for that zoning district, shall apply to those sides of the lot which abut both streets forming the corner.

(5) Accessory buildings shall not occupy more than 30% of the required area for the rear yard. Any accessory building projected forward of the rear building line shall satisfy the same yard requirements as the principal building.

(6) All lots shall abut upon a public street or road to which direct access is permissible, and each lot shall have a minimum frontage of at least 30 feet. This requirement shall not be construed to conflict with the minimum average lot width standards specified in this chapter, in as much as "wedge shaped" lots, or other lots with nonparallel sides, irregular shapes, etc., may meet both these requirements. The intention of this requirement is that no lot shall have a common boundary with the public right-of-way providing access thereto of less than 30 feet.

(7) Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than 5 feet.

(8) Maximum building height standards specified in this chapter shall not apply to church spires or church belfries, nor to water towers.

(9) In any district where public sewerage is not available, the minimum width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with state Chapters Comm. 83.

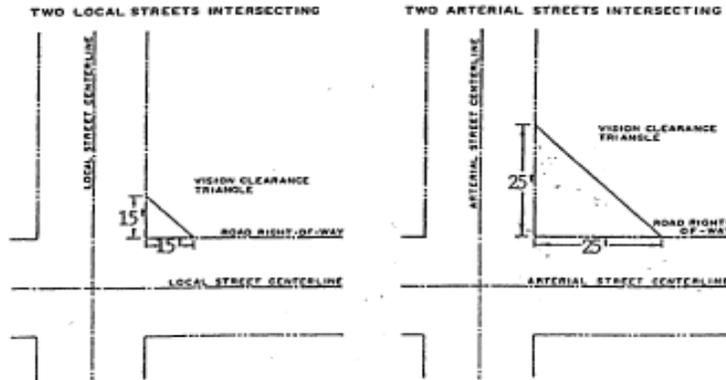
(10) The amount of all fees referred to in this chapter shall be set by the Village Board and will be reviewed on an annual basis, and changed as so set by a majority vote of the Village Board.

(11) No obstructions, such as structures, parking, vegetation or signs shall be permitted in any intersection between the heights of 21/2 feet and ten feet above the plane through the mean curb grades. (See illustration below.) This shall be known as a vision clearance triangle. The Building Inspector and/or Police Chief shall be responsible for enforcement, with penalties applicable as outlined in 17.21 of this chapter.

VISION CLEARANCE TRIANGLE
(CROSS SECTIONAL VIEW)



VISION CLEARANCE TRIANGLE
(PLAN VIEW)



(12) SWIMMING POOLS.

(a) Any above ground or in-ground pool shall conform to all existing state building codes, State Chapter Comm. 82.33(9) (I) & Electrical Code Article 680.

(b) All in-ground pools shall have a fence not less than 5' but not more than 6' to prevent unguarded entry.

(c) Above ground pools shall have adequate fencing or other protection to prevent unguarded entry.

(13) FENCES. Fences are permitted in any district, and may be erected with a permit, provided that fences shall comply with the following provisions:

(a) Barbed Wire & Electric. Permitted adjacent to the lot line and are allowed in Agricultural Districts only and shall not exceed a height of 6'.

(b) Business Fences. Permitted adjacent to the lot line and are allowed in business districts and shall not exceed a height of 6' in the rear and side yards, and shall not extend into the front yard.

(c) Residential Fences. Permitted 2' from the lot line and are allowed in R-1, R-2 & R-3 residential districts and shall not exceed 6' in height in the rear and side yards. The 2' set back requirement does not apply to pre-existing fences. The 2' set back requirement may be waived by mutual written consent of all adjacent property owners.

(d) Ornamental Fences. Permitted in business and residential districts and shall not exceed 3' in height in the street yard. The same set back requirements in 12(c) shall apply.

(e) Security fences. Permitted adjacent to lot line and are allowed in manufacturing districts, and may contain three strands of barbed wire, but shall not exceed 10' in height.

(f) Aesthetics. All fencing shall have the face side (aesthetic side) facing the street yard and all adjacent property owners.

(g) All fences shall comply with traffic visibility requirements set forth in this chapter.

(h) It shall be the constructor's responsibility or current property owner to maintain the fence and area adjacent to the fence.

(14) DETACHED ENERGY SYSTEMS. (Created 9/5/06) 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 dwelling/structure shall be considered an accessory use and shall only be permitted in accordance with the following:

1. Location.

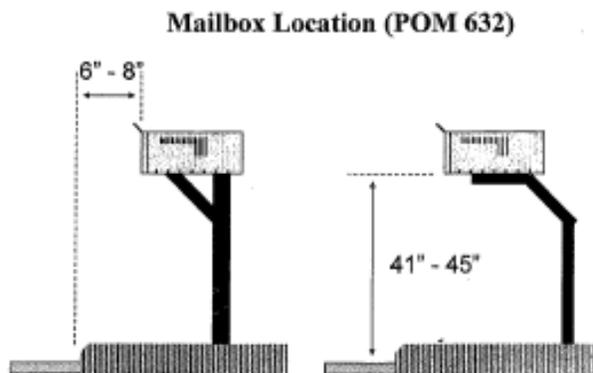
1. Detached energy systems shall not be located in front or street yards.
2. Minimum setbacks to side and rear yards shall be two hundred (200) ft.
3. Minimum setback to an adjacent front or street yard residence shall be (200) feet.
4. Minimum chimney stack or exhaust stack height shall be twenty (20) ft.

2. Impacts.

1. No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance.
2. 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.

(15) EXISTING SUBSTANDARD LOTS. A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, for which the lot is zoned. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth, as long as reasonable living or business standards can be provided. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated in this section, shall be issued only after a variance is approved by the Board of Zoning Appeals.

(16) MAILBOXES. (Created 11/6/07) Mailboxes shall be erected to conform with a minimum setback of 6" from the front of the curb or road edge to the mailbox door and have a minimum height of 41" from the roadway surface to the bottom of the mailbox, as set forth in the United States Post Office Manual (632). The Village will not assume any liability for any damage done to mailboxes which do not conform to these minimum standards.



17.05 ZONING DISTRICTS AND ZONING MAP.

(1) ZONING MAP. The official Zoning District Map is an integral part of this chapter. The single official copy of this map entitled "Village of Valders Official Zoning District Map", together with a copy of this chapter, shall be available for public inspection during office hours. The map shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning district boundaries shall be recorded on the map after change adoption.

(2) ZONING DISTRICTS. For the purpose of this chapter, the Village is hereby divided into 7 districts as follows:

- (a) Single-Family Residence District (R-1).
- (b) Single and Two-Family Residence District (R-2).
- (c) Multiple-Family Residence District (R-3) and Manufactured or Mobile Homes.
- (d) Business District (B).
- (e) Industrial District (I).
- (f) Agricultural District (A).
- (g) Planned Unit Development District (PUD).

The land uses permitted and minimum standards set forth in the following portions of this section apply to the districts delineated on the Zoning District Map.

(3) ZONING DISTRICT BOUNDARIES.

(a) Where the designation on the map indicates that the various districts are approximately bounded by a street, road or alley line, such street, road or alley line shall be construed to be the district boundary line unless provisions to the contrary be expressly indicated. In general, the line so construed shall be the center line of the right-of-way of the street, road or alley, unless some other provision is expressly indicated.

(b) Where the district boundaries are not otherwise indicated, and where the district boundaries approximately follow section lines, quarter section lines, or other logical subdivisions of sections, such section lines or other such lines shall be construed to be the district boundary line.

(c) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

(d) In subdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

(e) Where there is dissatisfaction with the determination of location of a zoning district boundary line by the Building Inspector, an appeal may be made to the Board of Zoning Appeals under the provisions of 17.19 of this chapter.

17.06 **SINGLE-FAMILY RESIDENCE DISTRICT (R1).** The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

(1) PERMITTED USES: The following uses of land are permitted in this district:

(a) Single-family dwellings.

(b) Private attached garage or carport.

(c) Accessory buildings, those constructed larger than 200 sq. feet or larger must conform in architectural style to the principal building on the premise or to the principal buildings in the surrounding district.

(d) Public parks, playgrounds, recreational and community center building and grounds.

(e) Graded schools.

(f) Churches and their affiliated uses.

(g) Cemeteries.

(h) Customary home operations.

(i) Farming and dairying, except that buildings in which animals are kept and piling and storage of animal wastes are prohibited.

(j) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.

(k) Water-storage facilities and their accessory structures.

(l) Signs as permitted under section 17.16 of this chapter.

(m) 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.

(n) Manufactured or mobile homes, providing construction includes a full story basement and a minimum of a single car private garage.

(2) **CONDITIONAL USES.** The following are permitted as conditional uses within this district:

(a) Libraries, museums and art galleries.

(b) Hospitals and clinics.

(c) Colleges and vocational schools.

(d) Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.

(e) Microwave radio relay structures and television transmission towers.

(f) Funeral homes.

(g) Golf courses.

(h) Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 61.35 & 62.23.

(i) Foster family homes.

(j) Family day care homes.

(3) STANDARDS. Within the R-1 District the following construction standards shall apply:

(a) Maximum Building Height.

1. Principal Building. 35'
2. Accessory Building. 20'

(b) Minimum Front Yard Setback. 25'

Note: More restrictive standards may be imposed by State regulations in certain circumstances, for example, on lots fronting on certain classes of State Highways.

(c) Minimum Rear Yard Set Back.

1. Principal Building. 25'
2. Accessory Building. 3'.

(d) Minimum Side Yard Setback.

1. Principal buildings on pre-existing lots 66' or less in width. 6' each side.
2. Principal buildings on lots more than 66' in width. 8' minimum on each side, or a 20' minimum total.
3. Accessory Buildings. 3' on each side.

(e) Minimum Average Lot Width. 100'

(f) Minimum Lot Area per Family. 13,000 sq. ft.

(g) Minimum Floor Area per Family. 1,100 sq. ft.

(h) Fences. See 17.04(13) of this chapter for provisions.

(i) Erosion control. The building inspector shall require the use of adequate soil erosion control measures to prevent pollution of surface water caused by runoff.

17.07 SINGLE AND TWO-FAMILY RESIDENCE DISTRICT (R-2). The R2 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

(1) PERMITTED USES: The following uses of land are permitted in this district:

(a) Single and two-family dwellings.

(b) Private attached garage or carport.

(c) Accessory buildings, those constructed larger than 200 sq. feet or larger must conform in architectural style to the principal building on the premise or to the principal building in the surrounding district.

(d) Public parks, playgrounds, recreational and community center building and grounds.

(e) Graded schools.

(f) Churches and their affiliated uses.

(g) Cemeteries.

(h) Customary home operations.

(i) Farming and dairying, except that buildings in which animals are kept and piling and storage of animal wastes are prohibited.

(j) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.

(k) Water-storage facilities and their accessory structures.

(l) Signs as permitted under section 17.16 of this chapter.

(m) 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.

(n) Manufactured or mobile homes, providing construction includes a full story basement and a minimum of a single car private garage.

(2) **CONDITIONAL USES.** The following are permitted as conditional uses within this district:

(a) Libraries, museums and art galleries.

(b) Hospitals and clinics.

(c) Colleges and vocational schools.

(d) Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.

(e) Microwave radio relay structures and television transmission towers.

(f) Funeral homes.

(g) Golf courses.

(h) Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 61.35 & 62.23.

(i) Foster family homes.

(j) Family day care homes.

(3) STANDARDS. Within the R-2 District the following construction standards shall apply:

(a) Maximum Building Height.

1. Principal Building. 35'
2. Accessory Building. 20'

(b) Minimum Front Yard Setback. 25'

Note: More restrictive standards may be imposed by State regulations in certain circumstances, for example, on lots fronting on certain classes of State Highways.

(c) Minimum Rear Yard Set Back.

1. Principal Building. 25'
2. Accessory Building. 3'.

(d) Minimum Side Yard Setback.

1. Principal buildings on pre-existing lots 66' or less in width. 6' each side.
2. Principal buildings on lots more than 66' in width. 8' minimum on each side, or a 20' minimum total.
3. Accessory Buildings. 3' on each side.

(e) Minimum Average Lot Width. 100'

(f) Minimum Lot Area per Family. 6,500 sq. ft.

(g) Minimum Floor Area per Family. 850 sq. ft.

(h) Fences. See 17.04(13) of this chapter for provisions.

(i) Erosion control. The building inspector shall require the use of adequate soil erosion control measures to prevent pollution of surface water caused by runoff.

17.08 **MULTIPLE-FAMILY RESIDENCE DISTRICT R-3.** The R-3 District is intended to provide a living area that is pleasant but not as spacious as the R-1 & R-2 Districts.

(1) PERMITTED USES: The following uses of land are permitted in this district:

(a) Single, two and multiple family residential dwellings.

(b) Boarding houses.

(c) Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 61.35 & 62.23.

(d) Foster family homes.

(e) Family day care homes.

(f) Accessory buildings or detached garages incident to the above uses; provided that the structure shall be at 75' away from the front lot line and 10' away from the side lot lines; and provided that there shall be at least 2000 sq ft. of lot area for each vehicle space.

(g) Charitable institutions, rest homes, convalescent homes, nursing homes, day care center, housing for the elderly, homes for the care of indigent and similar institutions.

(h) Churches and their affiliated uses.

(i) Libraries, museums and art galleries.

(j) Public parks, playgrounds, recreational and community center buildings and grounds.

(k) Public buildings, except sewage plants, garbage incinerators, warehouse, garages, shops and storage yards.

(l) Water-storage facilities and their accessory structures.

(m) Signs as permitted under 17.16 of this chapter.

(n) 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.

(2) **CONDITIONAL USES.** The following are permitted as conditional uses within this district:

(a) Hospitals and clinics.

(b) Colleges and vocational schools.

(c) Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.

(d) Microwave radio relay structures and television transmission towers.

(e) Funeral homes.

(f) Golf courses.

(g) Mobile home park as defined in 17.03(48), and subject to the condition that it conform with all codes set by the state Chapter Comm. 27 and village ordinances.

(h) Mobile home park subdivision as defined in 17.03(49), and subject to the condition that it conform with all codes set by the state Chapter Comm. 27 and village ordinances.

(i) All mobile homes must be inspected when installed in a mobile home park by the building inspector. A footing (if applicable), electrical and plumbing permit must be applied for at the Village Office. The fee for the inspections is the standard inspection fee set forth by Chapter 14.02.

(j) All manufactured and mobile homes shall have tie downs.

(3) STANDARDS. In the R-3 District the following standards shall apply, except within mobile home parks, the standards set forth in ordinances of the Village and provisions of the Wisconsin Administrative Code regulating mobile homes and mobile home parks shall apply.

(a) Lot area and width. Lots in the R-3 District shall be a minimum of 22,000 square feet in area, and no dwelling unit shall have a lot area of less than the following:

1. One-bedroom apartment: Minimum of 3,800 sq. ft. per unit.
2. Two-bedroom or larger apartment: Minimum of 5,000 sq. ft. per unit.
3. Minimum lot width: 120'.

(b) Building height and area.

1. Maximum principal building height. 45'
2. Maximum accessory building height. 15'
3. One-bedroom apartment: Minimum of 700 sq. ft. per unit.
4. Two-bedroom apartment: Minimum of 820 sq. ft. per unit

(c) Setbacks.

1. Minimum front yard setback - Principal Building 25'.
2. Minimum rear yard setback - Principal Building 25'
3. Minimum side yard setback - Principal Building 10'
4. Minimum rear and side yard setback - Accessory Building 10'

(d) Fences. See 17.04(13) of this chapter for provisions.

(e) Erosion control. The building inspector shall require the use of adequate soil erosion control measures to prevent pollution of surface water caused by runoff.

17.09 **BUSINESS DISTRICT (B)**. This district is intended to provide an area for the business and commercial needs of the Village.

(1) PERMITTED USES: The following uses of land are permitted in this district, with the following exception: All existing residential dwellings and accessory buildings located in this district, shall comply with residential codes for improvements until the structure no longer exists. At that time all business district codes shall only apply to the parcel.

(a) Stores and shops for conducting any retail or wholesale business.

(b) Banks, offices, studios, theaters, restaurants, taverns, bowling alleys, hotels, motels, funeral homes, and similar services.

- (c) Automobile and other vehicle sales, new and used.
 - (d) Automobile service stations.
 - (e) Automobile repair shops, if all operations are conducted within a completely enclosed structure.
 - (f) Bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery for sale primarily through outlets located elsewhere.
 - (g) Boarding houses, hotel, motels and multiple family housing over 7 units.
 - (i) Contractors. (Construction, plumbing, heating and electrical), provided operations and storage area are within a completely enclosed structure.
 - (j) Lumber yards and building materials sales, if all operations are conducted within a completely enclosed structure.
 - (k) Public transportation passenger stations and taxicab company offices.
 - (l) Public offices of government, post offices and fire stations.
 - (m) Public service installations, including public utility buildings and structures for gas, water and electric service, telephone exchanges, transformer stations and substations, but excluding power generating plants and sewage disposal plants.
 - (n) Nonprofit organization offices, meeting places, premises of business, civic, social, fraternal associations, labor unions, religious organizations.
 - (o) Self service laundry and dry cleaning establishments.
 - (p) Signs as permitted under Chapter 17.16 of this chapter.
 - (q) Veterinary clinics.
 - (r) Wholesaling and warehousing establishments, if all operations are conducted within a completely enclosed structure.
 - (s) Uses customarily incident to or similar to above uses.
- (2) **CONDITIONAL USES.** The following are permitted as conditional uses within this district.
- (a) Animal hospitals and kennels.
 - (b) Amusement parks.
 - (c) Commercial sports clubs, fields, arenas and similar facilities.

(d) Golf courses, golf or baseball driving ranges, archery ranges, miniature golf courses and similar facilities.

(e) Manufacturing or processing which is conducted within a completely enclosed structure.

(f) Wholesaling, warehousing and lumber yards with outdoor storage, provided that such storage be enclosed by a suitable fence or other manner of storage.

(3) STANDARDS. Within the B District, the following standards shall apply.

(a) Maximum principal building height. 45'

(b) Maximum accessory building height. 20'

(c) Minimum front yard setback. 25'

(d) Minimum side yard setback. Fireproof Construction 10' Non-Fireproof 20'

(e) Minimum rear yard setback. 25'

(f) Minimum lot area. 20,000 sq. ft.

(g) Minimum lot width. 100'

(h) Fences. See 17.04(13) of this chapter for provisions.

(i) The building inspector shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.

(j) Truck Unloading Area. Sufficient space that no streets or alleys need be blocked.

(k) Off-Street Parking. See Chapter 17.17 of this chapter for provisions.

(l) Plans and specifications to be submitted to building inspector, upon review shall be submitted to the plan commission with recommendations for preliminary review, and then submitted to Village Board final approval.

17.10 **INDUSTRIAL DISTRICT (I)**. This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which would create or tend to create conditions of public or private nuisance, hazard or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate or shield the public from such conditions.

(1) PERMITTED USES. The following uses are permitted within this district. Such use shall be subject to the consideration of the Village Board with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards or other factors. Development plans, as required in §17.20 and such other information deemed appropriate by the Village Board to determine conformance with this chapter, shall be submitted to the Village Board for approval.

(a) Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

(b) Fabrication establishments, including but not limited to shops for tool and die, machine, blacksmith, plumbing, sheet metal and woodworking.

(c) The outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening. This includes but is not limited to lumber and building material sales, contractors supply sales and storage yards including equipment storage, and bulk storage yards, excluding petroleum products.

(d) Sales, service and repair of motor vehicles, farm machinery, boar trailers and heavy equipment.

(e) Wholesaling, warehousing, truck terminals and transshipment facilities.

(f) Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms and signal towers.

(g) Public service installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including storage of equipment vehicles.

(h) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

(i) A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.

(j) Signs as permitted under §17.16 of this chapter.

(k) Uses customarily incident to, or similar to, the above uses.

(2) CONDITIONAL USES. The following are permitted as conditional uses within this district. All such uses shall be subject to the consideration and approval of the Village Board with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, or other factors affecting general welfare.

(a) Acid manufacture.

(b) Aircraft landing fields, hangars, or accessory structures.

(c) Cement, lime, gypsum or plaster of paris manufacture.

(d) Recycling transfer station, provided that such facility be enclosed by a suitable fence or other manner of storage.

(e) Sand and gravel extraction and mining, including processing and storage, provided that such facility be enclosed by a suitable fence or barrier which would eliminate any safety hazards to the surrounding boundaries.

(f) Slaughter houses, provided operations are in a completely enclosed structure.

(g) Smelting.

(3) STANDARDS. Within the I District the following standards shall apply.

(a) Maximum Principal Building Height. 55'

(b) Maximum Accessory Building Height. 20'

(c) Minimum Lot Area. 20,000 sq. ft.

(d) Maximum Building Area. Not more than 50% of the lot area.

(e) Minimum Front Yard Setback. 25'

(f) Minimum Rear Yard Setback. 25'

(g) Minimum Side Yard Setback Principal Building. 20'

(h) Minimum Side Yard Setback Accessory Building. 15'

(i) Minimum Lot Width. 100'

(j) Fences. See 17.04(13) of this chapter for provisions.

(k) The building inspector shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.

(l) Truck Unloading Area. Sufficient space that no streets or alleys need be blocked.

(m) Off-Street Parking. See §17.17 of this chapter for provisions.

(n) Plans and specifications to be submitted to building inspector, upon review shall be submitted to the plan commission with recommendations for preliminary review, and then submitted to Village Board final approval.

17.11 **AGRICULTURAL DISTRICT (A)**. This district is intended to help conserve good farming and natural areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services such as streets, sewer and water lines.

(1) PERMITTED USES. The following uses are permitted within this district.

(a) Farming and dairying provided that buildings in which farm animals are kept shall be at least 100' from the nearest residential or commercial district.

(b) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming.

(c) Harvesting of wild crops and management of wildlife including nonresidential buildings used solely in conjunction with such activity.

(d) In-season roadside stands for the sale of farm products produced on the premises, and up to 2 unlighted signs not larger than 8 sq. ft. each advertising such sale.

(e) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(f) Signs as permitted under §17.16 of this chapter.

(g) Uses customarily incident to any of the above uses, including residential use incident to any of the above uses.

(2) CONDITIONAL USES. The following are permitted as conditional uses within this district.

(a) Churches, schools, cemeteries, community parks and recreational areas.

(b) Public and semi-public buildings.

(c) Water storage facilities and power stations, provided they are enclosed by an 8' or more protective fence.

(d) Single family residences, provided they are located on tracts of 10 acres or more and that soils analysis indicates a suitability for private sewer and water systems.

(e) Fur farms, kennels, insect-breeding facilities, green houses, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.

(f) Campgrounds, tourist camps and travel trailer parks, subject to the provisions of this chapter and Chapter HFS178, Wis. Adm. Code.

(3) STANDARDS. Within the A District, the following standards shall apply.

(a) Maximum Building Height. Residential structures 35' Other structures 45'

- (b) Minimum Front Yard Setback. 50'
- (c) Minimum Rear Yard Setback. 50'
- (d) Minimum Side Yard Setback. 50'
- (e) Minimum Lot Area Per Family. 10 Acres

17.12 **PLANNED UNIT DEVELOPMENT DISTRICT (PUD).** The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses, for example, residential, commercial, open space, etc., are combined in a design which provides for desirable and convenient living conditions and which minimizes conflicts between the various land uses involved.

(1) REQUIREMENTS. This zoning district shall have no definite and measurable boundaries until a specified Planned Unit Development shall be approved by the Village Board in accordance with the procedures prescribed for zoning amendments in §62.23, Wis. Stats. Plans for the proposed development shall be submitted to the Village Board, and shall show the location, size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single-family and multiple family residential development as well as other compatible uses.

(a) Each separate PUD District shall consist of an area of not less than 5 acres.

(b) All land uses in the PUD District shall be conditional uses, subject to the consideration and approval of the Village Board, upon review and recommendation of the Plan Commission, with regard to its acceptability under this section.

(c) The following criteria shall be applied to every proposed PUD as a basis for determining its consistency with the letter and spirit of this chapter.

1. Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
2. Its overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
3. The internal compatibility of the various land uses proposed to be included within the development.
4. Its compatibility with existing and probable future transportation facilities in the vicinity, and its tendency to increase the demand upon those facilities.
5. The provision of adequate internal circulation facilities, including streets and sidewalks, and parking facilities within the development.
6. Its compatibility with existing and probable future provision of public utility services such as sewer and water facilities, and its tendency to increase the demand upon those facilities.
7. Its compatibility with existing and probable other public services, such as schools, police and fire protection, street maintenance, etc., and its tendency to increase the demand upon these services.

8. The provision of adequate open space, the provision of public access to streams and bodies of water, the preservation of environmental and esthetic values, and provision of adequate and appropriate arrangements for the continuing preservation of the aforesaid features, including legal restrictions and other legal devices, and the provision of adequate and appropriate institutional arrangements for continued maintenance.
9. The long-term economic stability of the proposed development, and its economic impact on other properties in the vicinity.
10. The presentation of an adequate and practicable implementation schedule for completion of the development, whether by stages or all in one period, in order to insure that the adverse results of failure to complete the development may be effectively avoided.

17.15 **CONDITIONAL USES.**

(1) **CONDITIONAL USE PERMITS.** Application for conditional use permits shall be submitted to the Building Inspector on forms provided by the Building Inspector or designee. The forms shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot.

(2) **FEES.** (Rev 1/1/07) Conditional use permit applications shall be submitted with a fee of \$300.00 to the Village Clerk/Treasurer.

(3) **PLAN REVIEW.** In all cases of proposed establishment of a conditional use specified in this chapter, the Village Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of proposed use.

(4) **STANDARDS.** No permit for a conditional use shall be granted unless the Village Board shall find that the following conditions are present:

(a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

(c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(e) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

(5) **CONDITIONS AND GUARANTEES.** Prior to granting a permit for a conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in (3) above. Establishment, maintenance and operation shall be construed to include, but shall not be limited to such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operation control, hours of operation, traffic circulation, deed restrictions, access restriction, yard and parking requirements, insofar as the Village Board shall find that conditions applying to these factors are necessary to fulfill the purposed and intent of this chapter. In all cases in which a permit for conditional use is granted, the Village Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complies with.

(6) **COMPLIANCE REQUIRED.** Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading.

(7) **ISSUANCE.** The Village Board may authorize the Building Inspector to issue a conditional use permit for conditional uses specified in this chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this chapter.

(8) **DENIAL AND RESUBMISSION.** No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

17.16 **SIGNS.**

(1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit except those signs excepted below and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the building code.

(2) All signs are prohibited in R1, R2, and R3 Residential and Agricultural Districts except the following:

(a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2' in height and 10' in length.

(b) Unlighted signs of up to 6 sq. ft. for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 5' from the nearest sidewalk or street, exception vision triangle restrictions shall still apply.

(c) Name, occupation and warning signs not to exceed 2 sq. ft. located on the premises.

(d) Signs and bulletin boards of up to 16 sq. ft. for public, charitable or religious institutions, provided that all such signs must be located directly on the premises involved and at least 5' from the nearest sidewalk or street, exception vision triangle restrictions shall still apply.

(e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f) Official signs such as traffic control, parking restrictions, information and notices.

(g) Temporary signs or banners for special events when authorized by the police chief.

(h) Rummage and garage sale signs, auction signs, etc. provided that no such signs shall be placed within a public right-of-way (homeowner's side of sidewalk) and further provided that signs are removed within a 24 hour period. No signs shall be attached to traffic post or utilities poles.

(3) Signs are permitted in the Business and Industrial Districts, subject to the following restrictions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than 6" outside the building's wall surface, shall not exceed 200 sq. ft. in area for any one premise, and shall not exceed 20' in height above the mean centerline street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 sq. ft. in area for any one premises, shall not extend more than 6' into any required yard, shall not extend more than 3' into any public right-of-way, shall not be less than 10' from all side lot lines, shall not exceed a height of 20' above the mean centerline street grade, and shall not be less than 10' above the sidewalk nor 15' above a driveway or alley.

(c) Ground signs shall not exceed 20' in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 sq. ft. on all sides for any one premise.

(d) Roof signs shall not exceed 10' in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 sq. ft. on all sides for any one premise.

(e) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(f) Combinations of any of the above signs shall meet all the requirements of the individual sign.

(4) Flashing signs or signs with rhythmic variations in intensity of illumination are prohibited in all districts, regardless of size or location.

(5) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(6) Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of §17.18 shall apply.

17.17 OFF-STREET PARKING AND DRIVEWAYS.

(1) The following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each building, which after the effective date of chapter, is erected, enlarged or altered for any of the following purposes.

(a) Single & Two-family Dwellings: 2 spaces per dwelling unit.

(b) Multi-family Dwellings: 1.5 spaces per dwelling unit.

(c) Bowling Alley: At least 4 spaces for each alley, plus one space for each 2 employees on the shift of largest employment.

(d) Financial Institutions: At least one parking space for each 150 sq. ft. of gross floor area of customer service, plus one space per employee for the work shift with the largest number of employees.

(e) Hotels, Motels or Boarding Houses: At least one parking space for each lodging unit, plus one space for each employee for the work shift with the largest number of employees, plus one space per three persons, based on maximum capacity, for each public meeting or banquet room.

(f) Public Assembly Places With Fixed Seating: At least one parking space for each 3 seats based on maximum seating capacity.

(g) Public Assembly Places Without Fixed Seating: At least one parking space for each 50 sq. ft. of gross floor area, plus one space per employee for the work shift with the largest number of employees.

(h) Restaurants: At least one parking space per 150 sq. ft. of gross dining area, plus one space per employee for the work shift with the largest number of employees.

(i) Restaurants, Drive-in or Fast Food: At least one space per 50 sq. ft. of gross dining area, plus one space per employee for the work shift with the largest number of employees. Drive-in restaurants with drive-through facilities shall provide sufficient space for four waiting vehicles at each drive through service lane.

(j) Taverns and Night Clubs: One space per 50 sq. ft. of gross floor area, plus one space per employee for the work shift with the largest number of employees.

(k) Retail Sales, Customer & Personal Service Establishments: At least one parking space for each 150 sq. ft. of floor space.

(l) Manufacturing or Warehousing Establishments: At least one parking space for each employee, plus one space for each company vehicle operating from the premises.

(m) Wholesale Establishments: At least one parking space for each employee, plus one space for each company vehicle operating from the premises.

(2) DRIVEWAYS: All driveways installed, altered, changed, replaced or extended after the effective date of this ordinance shall meet the following requirements.

(a) Permits and Fees. Owner shall obtain a no fee permit and be given code copy for contractor.

(b) Openings: Openings for vehicular ingress and egress shall not exceed 24 ft. at the street right-of-way and 30 feet at the curb line.

(c) Vehicular entrances and exits. Vehicular entrances and exits shall not be any less than 200' from any pedestrian walkway, except in residential districts.

17.18 NONCONFORMING USES.

(1) The lawful use of buildings, signs or premises existing at the time of the adoption of this chapter or any amendment thereof may be continued although such use does not conform with the provisions of this chapter.

(2) Nonconforming uses are subject to the following provisions:

(a) A nonconforming use may not be extended.

(b) Structural repairs or alterations of any nonconforming building shall not, during its life, exceed 50% of the local assessed value of the building at the time of becoming a nonconforming use unless permanently changed to a conforming use.

(c) A nonconforming use may be changed to another nonconforming use of the same or greater restriction, but shall not thereafter be changed again to another nonconforming use of the same restriction, but only to one of a greater restriction.

(d) If any nonconforming use of any building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to this chapter.

17.19 BOARD OF ZONING APPEALS.

(1) ORGANIZATION. See §1.28 of this municipal code.

(2) FEES. (Rev 1/1/07) Zoning change and variance appeals shall submit a fee of \$300.00 with application to the Village Clerk/Treasurer.

(3) RULES. The Board of Zoning Appeals shall adopt rules for its government and procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer and compel the attendance of witnesses. All meetings shall be open to the public.

(4) MINUTES. The Board of Zoning 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 Village Clerk and shall be a public record.

(5) APPEALS. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board of commission of the Village affected by any decision or ruling of the Village Clerk under this chapter, within 15 days after the decision or ruling. Appeals shall be filed with the Village Clerk and with the Board a notice of appeal, specifying the ground therefore. The Village Clerk shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to all parties in interest, and shall decide the same within a reasonable time.

(6) POWERS OF THE BOARD. Except as specifically provided, no action of the Board of Zoning Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Zoning Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an official in the enforcement of this chapter.

(b) To hear and decide special exception to the terms of this chapter upon which such Board is required to pass under this chapter.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

(7) DECISIONS. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance.

17.20 **ENFORCEMENT.**

(1) The Village Board designates that the Village Building Inspector enforce this chapter by means of land use permits, the cost of which shall be established by the Board.

(2) No building, structure or use shall hereafter be erected, moved or structurally altered until a land use permit has been applied for and issued. The Building Inspector shall not issue a permit for a structure or use that is not allowed by this chapter.

(3) All applications shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the proposed building or existing buildings and accessory buildings on the lot, the existing

and/or intended use of the building, the number of families to be accommodated, its situation
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with reference to the street, the distances between the nearest point of the building and the centerline of the street and the street right-of-way, and such other information with regard to the proposed building and neighboring lots or buildings as may be necessary to determine and provide for enforcement of this chapter.

(4) Such permit shall be issued or the application shall be denied within 20 days after receipt of the application. Such permit shall be posted on the premises so as to be visible from the street at all times, until such construction has been completed.

(5) Under rules established by the Village Board, the Building Inspector may issue temporary permits of up to one year's duration.

(6) **CERTIFICATE OF OCCUPANCY.**

(a) No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of occupancy shall have been issued by 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. Such permit shall be issued only when 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 Village Board, the Building Inspector may issue a temporary certificate of occupancy for part of a building.

(c) Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any building certifying, after inspection the extent and kind of use made of the building premises and whether or not such use conforms to the provisions of this chapter.

17.21 VIOLATIONS AND PENALTIES.

(1) Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of the chapter within 60 days of such conviction. Upon failure to do so, the Village Board shall order the removal of such building, structure, use or part thereof which violates the terms of this chapter. Such removal may be performed by an agent or by contract arrangement with private persons and the cost of removal shall become a lien upon the property, collectible as other taxes.

(2) Such person may also be required, upon conviction, to forfeit not less than \$50 dollars nor more than \$2,000 dollars for each offense, together with the costs of prosecution, and in default of the payment of such forfeiture and costs of prosecution, shall be imprisoned in the Manitowoc County Jail until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.

17.22 ANNEXATIONS. All territory annexed to the Village shall automatically become part of the Agricultural District until definite boundaries and regulations are adopted by the Village Board, such adoption to be completed within 90 days of the annexation.