

TITLE 13

Land Use Regulations

Chapter 1	Zoning Code
Chapter 2	Floodplain and Shoreland - Wetland Zoning
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CHAPTER 1

Zoning Code

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ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Section 62.23(7), Wis. Stats.

SEC. 13-1-2 TITLE.

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Edgar, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

SEC. 13-1-3 GENERAL PURPOSE.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Edgar, Wisconsin.

SEC. 13-1-4 INTENT AND PURPOSES IN VIEW.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses.
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Edgar;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

SEC. 13-1-5 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

SEC. 13-1-6 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Edgar .

SEC. 13-1-7 SEVERABILITY AND NON-LIABILITY.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

SEC. 13-1-8 REPEAL AND EFFECTIVE DATE.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

SEC. 13-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Edgar .
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

SEC. 13-1-11 USE REGULATIONS.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Classes of Conditional Uses. Conditional uses may be either denominated "regular" or "limited."
 - (2) General Conditional Use Provisions. Provisions applicable to conditional uses generally:
 - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - b. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional

use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter .

- e. Provisions in this Chapter relating generally to Conditional Uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provisions would then control) shall be deemed to be applicable to both regular and limited conditional uses.

(3) **Specific Regular Conditional Use Provisions.** Provisions applicable specifically to regular conditional uses:

- a. Regular conditional uses, either allowed by action of the Village Board .or existent at time of adoption of this Code, shall be non-lapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of same or similar type without Village Board approval. Change to conditional use of -other than same or similar type shall require procedures and approval in accordance with Article E.
- b. See Subsection (c)(2)a above as to conditional uses existent at time of adoption of this Code being deemed to be regular conditional uses.

(4) **Specific Limited Conditional Use Provisions.** Provisions applicable specifically to limited conditional uses:

- a. limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- b. limited conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article E of this Chapter .

(d) **Uses Not Specified in Code.**

- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator .
- (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter .

SEC. 13-1-12 SITE REGULATIONS.

- (a) **Street Frontage.** All lots shall abut upon a Public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Lots Abutting More Restrictive District.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the

provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

SEC. 13-1-13 HEIGHTS AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- (c) Residences in the residence district may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.
- (d) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (e) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
- (f) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Code, such lot may be occupied by one (1) family.
- (g) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twelve (12) inches.
- (h) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it be so located as not to obstruct light and ventilation.

SEC. 13-1-14 REDUCTION OR JOINT USE.

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

SEC. 13-1-15 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC. 13-1-20 ESTABLISHMENT OF DISTRICTS.

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Edgar into the following thirteen (13) basic zoning districts:
- (1) R-1 Single-Family Residence District
 - (2) R-2 Single-Family Residence District
 - (3) R-3 Single-Family Residence District
 - (4) R-4 Multi-Family Residence District
 - (5) A/R Agriculture/Residence District
 - (6) A-1 Exclusive Agricultural District
 - (7) C-1 General Commercial District
 - (8) C-2 Highway Commercial District
 - (9) M-1 Light Industrial District
 - (10) M-2 Heavy Industrial District
 - (11) REC Recreation District
 - (12) CV Conservancy District
 - (13) R-MH Mobile Home District

SEC. 13-1-21 VACATION OF ANNEXATIONS.

- (a) **Vacation of Streets.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (b) **Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family District, unless the annexation ordinance places the land in another district.

SEC. 13-1-22 ZONING MAP.

- (a) The Village of Edgar is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Edgar and made a part of this Chapter. The Official Zoning Map and all the notations, references, amendments and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Administrator of the Village of Edgar.
- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this Ordinance. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

SEC. 13-1-23 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the, centerlines of streets, highways or alleys shall be construed to follow such centerlines.

- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

SEC. 13-1-24 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

- (a) **Purpose.** The R-1 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
 - (1) Single-family dwellings.
 - (2) Parks and open spaces.
 - (3) Churches or schools.
 - (4) Normal accessory structures to single-family residences.
 - (5) Family day care.
- (c) **Conditional Uses.**
 - (1) Duplexes.
 - (2) Home occupations and home professional offices.
 - (3) Water tower and other related utility appurtenances.
 - (4) Group day care.
 - (5) Antique shops.
- (d) **Lot Size, Area and Width.**
 - (1) Minimum lot width --Eighty (80) feet.
 - (2) Minimum lot area --Ten thousand eight hundred (10,800) square feet.
 - (3) Yard requirements.
 - a. Front --Twenty-five (25) feet from right-of-way line.
 - b. Side --Ten (10) feet from right-of-way line.
 - c. Rear --Twenty-five (25) feet from right-of-way.

SEC. 13-1-25 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

- (a) **Purpose.** The R-2 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds. and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
 - (1) Single-family dwellings.
 - (2) Parks and open spaces.
 - (3) Churches or schools.
 - (4) Normal accessory structures to single-family residence.
 - (5) Family day care.
- (c) **Conditional Uses.**

- (1) Duplexes.
- (2) Home occupations and home professional offices.
- (3) Water tower and other related utility appurtenances.
- (4) Group day care.
- (d) **Lot Size, Area and Width.**
 - (1) Minimum lot width --One hundred (100) feet.
 - (2) Minimum lot area --Sixteen thousand (16,000) square feet.
 - (3) Yard requirements.
 - a. Front --Twenty-five (25) feet from right-of-way line.
 - b. Side --Ten (10) feet from right-of-way line.
 - c. Rear --Twenty-five (25) feet from right-of-way line.

SEC. 13-1-26 R-3 SINGLE-FAMILY RESIDENCE DISTRICT.

- (a) **Purpose.** The R-3 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
 - (1) Single-family dwellings.
 - (2) Parks and open spaces.
 - (3) Churches.
 - (4) Schools.
 - (5) Normal accessory structures to single-family residences.
 - (6) Family day care.
- (c) **Conditional Uses.**
 - (1) Duplexes.
 - (2) Home occupations and home professional offices.
 - (3) Water tower and other related utility appurtenances.
 - (4) Group day care.
- (d) **Lot Size, Area and Width.**
 - (1) Minimum lot width --One hundred (100) feet.
 - (2) Minimum lot area --Twelve thousand (12,000) square feet.
 - (3) Yard requirements.
 - a. Front --Twenty-five (25) feet from right-of-way line.
 - b. Side --Ten (10) feet from right-of-way line.
 - c. Rear --Twenty-five (25) feet from right-of-way line.

SEC. 13-1-27 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** The R-4 District is designed to accommodate multi-family residential buildings and related amenities.
- (b) **Permitted Uses.**
 - (1) Apartment buildings.
 - (2) Duplexes.
 - (3) Condominium.
 - (4) Family and group day care.
- (c) **Conditional Uses.**
 - (1) Rooming or boarding house.
 - (2) Nursing homes, health care centers, convalescent homes, etc.
 - (3) Any permitted uses under the R-1, R-2 and R-3 Districts.
- (d) **Lot Size, Area and Width.**

- (1) Lot area.
- | <u>Number of Units</u> | <u>Minimum Lot Area</u> |
|------------------------|---------------------------|
| 1 or 2 | 20,000 sq. feet |
| 3 or 4 | 24,000 sq. feet |
| Each additional unit | 2,000 additional sq. feet |
- (2) Yard requirements.
- a. Front --Twenty-five (25) feet from right-of-way line.
 - b. Side --Ten (10) feet from right-of-way line.
 - c. Rear --Twenty-five (25) feet from right-of-way line.

SEC. 13-1-28 A/R AGRICULTURAL/RESIDENCE DISTRICT.

- (a) **Purpose.** The A/R District is designed for general agricultural uses and rural residential use where public sewer is not available.
- (b) **Permitted Uses.**
 - (1) Single-family dwellings.
 - (2) General farming, except feed lots and fur farms.
 - (3) Airport landing strips.
- (c) **Conditional Uses.**
 - (1) Feed lots, fur farms, dog kennels.
 - (2) Sanitary landfill, provided no location shall be within one-half (1/2) mile of the boundary of a Residence District and the operation shall be in full compliance with NR 51, Wisconsin Solids Waste Disposal Standards.
 - (4) Municipal utilities and related structures.
 - (5) Group day care.
- (d) **Lot Size, Area and Width.**
 - (1) Minimum lot size --One (1) acre.
 - (2) Minimum lot width --One hundred fifty (150) feet.
 - (3) Yard requirements.
 - a. Front yard setback --Fifty (50) feet from right-of-way line.
 - b. Side yard setback --Twenty (20) feet from right-of-way line.
 - c. Rear yard setback --Fifty (50) feet from right-of-way line.

SEC. 13-1-29 A-1 EXCLUSIVE AGRICULTURE DISTRICT.

- (a) **Purpose.** The A-I District is intended to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between compatible uses, control public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered non-farm uses, space and shape urban growth, implement the provisions of the county agricultural plan when adopted and periodically revised and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Sec. 71.09(11), Wis. Stats.
- (b) **Lands Included Within This District.** This District is generally intended to apply to lands which are limited to exclusive agricultural use including: lands historically exhibiting good crop yields or capable of such yields, lands which have been demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng, mint, sod, fruits and vegetables, and

lands which are capable of productive use through economically feasible improvements such as irrigation.

(c) **Permitted Uses.**

- (1) One (1) single-family dwelling provided all other conditions of this ordinance and the Private Sewage System Ordinance can be met.
- (2) Pole buildings, garages and other buildings necessary to the farm operation or permitted residential uses.
- (3) General farming, including dairying, livestock and poultry raising, nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings, pens, structures, barnyards or feedlots for less than two hundred fifty (250) animals used for the housing, sheltering or feeding of livestock shall be located no less than one hundred (100) feet from navigable waters and designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.
- (4) One (1) roadside stand per farm of not more than three hundred (300) square feet used solely for the sale of products more than fifty percent (50%) of which were produced on the premises.
- (5) Forest and game management.
- (6) Hunting, fishing and trapping.
- (7) Maple syrup processing plant.
- (8) Sawmills. When located five hundred (500) feet minimum distance from a residence other than that of the owner .
- (9) Signs. Signs not to exceed fifteen (15) square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner and rural directory signs when all such signs are established in accordance with the sign regulation provisions of this Chapter .
- (10) Farm ponds.
- (11) Transient amusements, such as music festivals, carnivals and circuses, are subject to Marathon County Assembly Ordinance and local ordinances.

(d) **Conditional Uses.**

- (1) Single-family dwellings, in addition to permitted residences in Subsection (c), providing one (1) or more of the occupants is a parent or child of the operator of the farm, or when the dwelling is to be the retirement home of the present farm operator.
- (2) Canneries.
- (3) Cheese factories.
- (4) Concrete or blacktop batching plant (temporary only).
- (5) Condenseries.
- (6) Commercial feedlots and buildings housing two hundred fifty (250) or more animals.
- (7) Creameries.
- (8) Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (9) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (10) Facilities used in processing of agricultural products.
- (11) Fish hatchery (commercial).
- (12) Fur farms when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee.
- (13) Public utility substations, relay stations and microwave receivers and transmitters, semi-public and private utility towers, receivers, transmitters and other similar necessary appurtenant facilities.

(e) **Conditions Attached to Conditional Uses.**

- (1) Upon a consideration of information supplied at the public hearing and a review of the standards contained in Article E, the following conditions may be attached to the granting of a

conditional use: increased setbacks and yards; specifications for water supply, liquid waste and solid waste disposal facilities; landscaping and planting screens; sureties; operational control and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this Chapter .

- (2) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special exceptions.

(f) Height, Yards, Area Requirements.

(1) Lot Area.

- a. The minimum lot size to establish a residence or farm operation is thirty-five (35) contiguous acres, except provided in Subsections (f)(l)b through d below.
- b. The minimum lot size shall be one (1) acre to establish a separate parcel for an additional residence for parents or children of the farm operator or for persons earning a substantial part of their livelihood from the farm operator .
- c. Where an additional residence for persons specified in Subsection b above is located on a farm without creating a separate parcel, the residence shall be at least forty (40) feet from other residences.
- d. (1) The minimum lot size for farm residences or structures which are separated from a larger parcel through farm consolidation shall be one (1) acre outside of the road right-of-way and shall not be less than one hundred fifty (150) feet wide at the building line and road right-of-way. No lot shall be created such that the existing structure or the septic system serving the structure becomes nonconforming due to the property boundary setbacks or other minimum setbacks.
(2) Lots or parcels having less than thirty-five (35) acres that legally existed and had a principal structure in use prior to the Village Board's approval of this Chapter may be rebuilt in the event of damage or destruction without the need for a variance provided that a zoning permit is obtained and all minimum setback requirements and the terms of the Marathon County Private Sewage System Ordinance are met.
- e. The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separate from a larger parcel through farm consolidation shall be one (1) acre.

(2) Setbacks

- a. Front yard setback --Fifty (50) feet from right-of-way line.
- b. Side yard setback --Twenty (20) feet from right-of-way line.
- c. Rear yard setback --Fifty (50) feet from right-of-way line.

(g) Standards for Rezoning.

- (1) The State Department of Agriculture, Trade and Consumer Protection shall be mailed a copy of the notice of a public hearing on a petition for rezoning and, following the hearing, a copy of the findings upon which the decision to deny or grant the petition was based.
- (2) Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on finding which consider the following:
 - a. Adequate public facilities to serve the development are present or will be provided.
 - b. Provisions of these facilities will not be an unreasonable burden to local government.
 - c. The land is suitable for development.
 - d. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
 - e. The potential for conflict with remaining agricultural uses in the area.
 - f. The need for the proposed development location in an agricultural area.
 - g. The availability o alternative locations.
 - h. The productivity of the agricultural lands involved.
 - i. The location of the proposed development to minimize the amount of agricultural land converted.

SEC. 13-1-30 COMMERCIAL DISTRICT

- (a) **Purpose.** This District is designed to provide a wide range of retail services.
- (b) **Permitted Uses.**
- (1) Antique or art shop.
 - (2) Bakery.
 - (3) Bank, savings and loan or other financial institutions.
 - (4) Barber shop, beauty parlor.
 - (5) Book and stationery store.
 - (6) Business and professional offices.
 - (7) Clinic.
 - (8) Clothing store, shoe store, department store.
 - (9) Clubs and fraternal organizations.
 - (10) Drugstore.
 - (11) Florist shop, greenhouse.
 - (12) Furniture and appliance stores.
 - (13) Hardware, plumbing, heating, electrical and auto supplies.
 - (14) Insurance, real estate and stock brokerage.
 - (15) Jewelry store.
 - (16) Laundry and dry cleaning establishments.
 - (17) Music store.
 - (18) Paint and interior decoration.
 - (19) Parking lot.
 - (20) Photography store.
 - (21) Printing and duplication.
 - (22) Public utility offices, police and fire station, Village administration center and similar uses.
 - (23) Radio and television broadcasting or business office, microwave relay facilities.
 - (24) Retail stores of less than ten thousand (10,000) square feet floor area.
 - (25) Restaurants, cafe, tavern.
 - (26) Single-family dwelling, but only as an accessory use.
 - (27) Signs, billboards.
 - (28) Sporting goods, recreation equipment.
 - (29) Theaters (except drive-in theaters).
 - (30) Manufacturing or storage in connection with any of the above uses when clearly incidental to the conduct of a retail business on the premises.
 - (31) Family and group day care.
- (c) **Conditional Uses.**
- (1) Automobile sales and service (including motorcycles and recreational vehicles).
 - (2) Automobile service stations and repair shops.
 - (3) Bowling alleys, dance halls, skating rinks.
 - (4) Drive-in restaurants, drive-in theaters.
 - (5) Farm machinery and equipment sales and service.
 - (6) Feed and seed stores.
 - (7) Funeral homes.
 - (8) Health studios.
 - (9) Lumber yards.
 - (10) Transportation terminals.
 - (11) Car washes.
 - (12) Hotels, motels, motor lodges.
 - (13) Food stores.
 - (14) One (1) single-family primary dwelling.
 - (15) Two (2) or more dwelling units either as a primary use or as an accessory use.
- (d) **Lot Size, Area and Width.** Lot area -- Five thousand six hundred (5,600) square feet.

SEC. 13-1-31 C-2 HIGHWAY COMMERCIAL BUSINESS.

- (a) **Purpose.** The purpose of the C-2 District is to assure the desirable development of highway-oriented businesses and services.
- (b) **Permitted Uses.**
 - (1) Any use permitted in the C-1 District.
 - (2) Any conditional use listed in the C-1 District.
- (c) **Conditional Uses.**
 - (1) Shopping centers.
 - (2) Retail stores with more than ten thousand (10,000) square feet of floor area.
- (d) **Lot Size, Area and Width.**
 - (1) Lot size --Twelve thousand (12,000) square feet.
 - (2) Lot width --One hundred (100) feet.
 - (3) Yard requirements.
 - a. Front --Thirty (30) feet (from lot line); eighty (80) feet (center of ,--, highway).
 - b. Side --Twenty (20) feet.
 - c. Rear --Thirty (30) feet.

SEC. 13-1-32 M-1 LIGHT INDUSTRIAL DISTRICT.

- (a) **Purpose.** The M-1 District is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area by reason of noise, odor, dirt, smoke, traffic, physical appearance or other similar factors.
- (b) **Permitted Uses.**
 - (1) Commercial greenhouses.
 - (2) Food locker plants.
 - (3) General or professional offices.
 - (4) Manufacture and bottling of nonalcoholic beverages.
 - (5) Painting.
 - (6) Printing and publishing.
 - (7) Research and testing laboratories.
 - (8) Vocational training schools or centers.
 - (9) Warehousing.
 - (10) Wholesaling and distributing.
 - (11) Animal hospital, veterinary clinics.
 - (12) Automobile service stations.
- (c) **Conditional Uses.** Municipal utilities and related structures.
- (d) **Lot Size, Area and Width.**
 - (1) Lot size --Twenty thousand (20,000) square feet.
 - (2) Lot width --One hundred fifty (150) feet.
 - (3) Yard requirements.
 - a. Side --Thirty-five (35) feet.
 - b. Front --Twenty-five (25) feet.
 - c. Rear --Twenty-five (25) feet.

SEC. 13-1-33 M-2 HEAVY INDUSTRIAL DISTRICT.

- (a) **Purpose.** The M-2 District is intended to provide for uses by which their nature could exhibit characteristics harmful, noxious or detrimental to surrounding uses of land.
- (b) **Permitted Uses.**
 - (1) Any uses permitted in the M-1 District.
 - (2) Automotive, mechanical and/ or body repair.
 - (3) Feed mills.
 - (4) Lumber yards.

- (5) Processing of dairy products.
- (6) Manufacture of furniture.
- (7) Municipal utilities and other related structures.
- (c) **Conditional Uses.**
 - (1) Freight yards, terminals and shipment depots.
 - (2) Manufacture and processing of chemicals, fuels, metals, fertilizer.
 - (3) Slaughterhouses, meat packing, etc.
 - (4) Mining and quarrying.
 - (5) Wrecking, junk, demolition and scrap-yards, provided that a solid fence or evergreen planting screen is placed so as block a view from other property and providing it be located at least six hundred (600) feet from any neighboring residence, except that of the owner or his employee.
- (d) **Lot Size, Area and Width.**
 - (1) Lot size -Twenty thousand (20,000) square feet.
 - (2) Lot width --One hundred fifty (150) feet.
 - (3) Yard requirements.
 - a. Side --Twenty-five (25) feet.
 - b. Rear --Twenty-five (25) feet.
 - c. Front -Twenty-five (25) feet.

SEC. 13-1-34 RECREATION DISIRICT.

- (a) **Purpose.** The REC District is intended to provide for the orderly and attractive grouping of recreational uses, establishments and facilities.
- (b) **Permitted Uses.**
 - (1) Parks and playgrounds.
 - (2) Athletic fields.
 - (3) Golf courses and related structures.
 - (4) Railroad rights-of-way.
 - (5) Bathing beaches.
 - (6) Ski trails.
- (c) **Conditional Uses.**
 - (1) Amusement parks, including commercial skating rinks, go-cart tracks, golf driving ranges, miniature golf course or similar establishments.
 - (2) Concession stands.
 - (3) Gift and specialty shops customarily found in recreational areas.
 - (4) Institutions of philanthropic or educational nature.
 - (5) Microwave relay structures.
 - (6) Recreation camps, youth camps and private campgrounds. Camps shall also conform to Chapters H 75 and H 78 of the Wisconsin Administrative Code.
 - (7) Riding stables.
 - (8) Shooting ranges.
 - a. Shooting stands shall be no less than one thousand (1,000) feet from residential buildings, other than that of the owner, his agent or employee.
 - b. No firing shall be toward or over any navigable water or population center .
 - c. The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs.
 - d. There shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to one (1) foot for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four (4) feet.
 - e. Any other conditions the Village Board considers necessary for the public safety.
 - f. Trap and skeet ranges providing the owner(s) of the trap or skeet range has under control by ownership or lease an area no less than one thousand eight hundred (1,800) feet wide and nine hundred (900) feet deep and providing further that there shall be no

residences within one thousand (1,000) feet of the external boundaries of the range, unless occupants of such residences waive this condition in writing.

- (9) Travel trailer parks provided:
 - a. The minimum size of a travel trailer park shall be five (5) acres.
 - b. The maximum number of travel trailers shall be fifteen (15) per acre.
 - c. Minimum dimension of a travel trailer site shall be thirty (30) feet wide by fifty (50) feet long.
 - d. Each travel trailer shall be so located that there shall be at least a fifteen (15) foot clearance between travel trailers.
 - e. There shall be one and one-half (1-1/2) automobile parking spaces available for each trailer site.
 - f. In addition to setback requirements of twenty-five (25) feet from the street right-of-way, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
 - g. Travel trailer parks shall conform to the requirements of Chapter H 78, Wisconsin Administrative Code, which shall apply until amended and then apply as amended.
- (d) Lot Size, Area and Width.
 - (1) Minimum lot size --One (1) acre.
 - (2) Minimum lot width --One hundred fifty (150) feet. 3 Yard requirements.
 - a. Side --Twenty-five (25) feet.
 - b. Rear --Fifty (50) feet.
 - c. Front --Twenty-five (25) feet.

SEC. 13-1-35 CV CONSERVANCY DISTRICT.

- (a) **Purpose.** The CY Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- (b) **Permitted Uses.**
 - (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
 - (2) Forest and game management.
 - (3) Forest reserves (wilderness areas).
 - (4) Forest reserves (wildlife areas).
 - (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- (c) **Permitted Accessory Uses.**
 - (1) Non-habitable park or recreation shelters.
 - (2) Structures used in or accessory to a fish hatchery.
 - (3) Structures used to traverse lowlands or watercourses.
- (d) **Conditional Uses.**
 - (1) Structures and fill accessory to permitted principal uses.
 - (2) Parks and campgrounds and accessory structures.
 - (3) Public shooting ranges and accessory structures.
 - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
 - (5) Public utilities.
- (e) **Lot Area, Setback and Yard**
 - (1) Minimum dimensions: Lot area --Twenty thousand (20,000) square feet.
 - (2) There are no lot width requirements.

- (3) Any use involving a structure shall provide front and rear yards of at least fifty (50) feet in depth and side yards at least fifty (50) feet in width each.

SEC. 13-1-36 R-MH MOBILE HOME DISTRICT.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article L of this Chapter .

SEC.13-1-37 THROUGH SEC.13-1-49 RESERVED FOR FUTURE USE.

ARTICLE D

Planned Unit Development (PUD) Conditional Use

SEC. 13-1-50 PLANNED UNIT DEVELOPMENT CONDITIONAL USE - INTENT.

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

SEC. 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.

This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

SEC. 13-1-52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS .

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

SEC. 13-1-53 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

- (a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	10 acres

- (b) **Density Requirements (1Dt Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Building Height and Area Requirements.**
 - (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (d) **Single Parcel, Lot or Tract.** The planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

SEC. 13-1-54 REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (e) Public water and sewer facilities shall be provided.

SEC. 13-1-55 SUBSEQUENT LAND DIVISION.

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

SEC. 13-1-56 PROCEDURAL REQUIREMENTS – INTENT.

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

SEC. 13-1-57 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Administrator for approval of a planned unit development. Such petition shall be accompanied by a review fee of Twenty-five Dollars (\$25.00), as well as incorporate the following information:

- (1) Informational Statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (2) A General development Plan Including:
 - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - b. The location of public and private roads, driveways, sidewalks and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
 - e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. The existing and proposed location of public sanitary sewer, water supply facilities and storm water drainage facilities.
 - h. The existing and proposed location of all private utilities or other easements.
 - i. Characteristics of soils related to contemplated specific uses.
 - j. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - k. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - l. If the development is to be staged, a staging plan.
 - m. A plan showing how the entire development can be further subdivided in the future.
- (c) **Public Hearing.** The Village Board shall hold public hearings on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

SEC. 13-1-58 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.

- (a) **Requirements.** The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
 - (1) That the general requirements made and provided in Section 13-1-52 will be met;
 - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
 - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.
- (b) **Proposed Construction Schedule.** The Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:

- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community .
 - (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the R-1, R-2 and R-3 Districts shall not exceed four (4) dwelling units per structure.
 - b. Planned residential developments in the R-4 District shall not exceed sixteen (16) dwelling units per structure.
 - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (5) Provision has been made for adequate, continuing fire and police protection.
 - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
 - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - (4) The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD Considerations.** The Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
 - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:

- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
- (2) The various types of uses conform to the general requirements as herein - before set forth~ applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

SEC. 13-1-59 DETERMINATION OF DISPOSITION OF THE PETITION.

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
 - (1) **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
 - (2) **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.
- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval to the Village Board and if, in the opinion of the Village Board, such change or addition constitutes a substantial alteration of the original plan, it shall schedule an additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

ARTICLE E

Conditional Uses

SEC. 13-1-60 STATEMENT OF PURPOSE - CONDITIONAL USE.

The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

SEC. 13-1-61 AUTHORITY OF THE VILLAGE BOARD; REQUIREMENTS.

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter .
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

SEC. 13-1-62 INITIATION OF CONDITION USE.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

SEC. 13-1-63 APPLICATION FOR CONDITIONAL USE.

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

SEC. 13-1-64 HEARING ON APPLICATIONS.

Upon receipt of the application and statement referred to in Section 13-1-63 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time.

SEC. 13-1-65 NOTICE OF HEARING ON APPLICATION.

(Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

SEC. 13-1-66 STANDARDS - CONDITIONAL USES.

No application for a conditional use shall be granted by the Village Board unless such the Board shall find all of 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 for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (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 and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Board shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.

- (4) The location of the site with respect to floodplains and floodways of rivers and streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

SEC. 13-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

When a denial of a conditional use application is made, the Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.

SEC. 13-1-68 CONDITIONS AND GUARANTEES.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter .
- (b) **Site Review.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The 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 the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for

development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/ or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

SEC. 13-1-69 VALIDITY OF CONDITIONAL USE PERMIT.

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

SEC. 13-1-70 COMPLAINTS REGARDING CONDITIONAL USES.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

SEC. 13-1-71 BED AND BREAKFAST ESTABLISHMENTS.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

SEC. 13-1-72 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

Article F

Nonconforming Uses, Structures and Lots

SEC. 13- 1-80 EXISTING NON CONFORMING USES AND STRUCITURES .

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

SEC. 13-1-81 ABOLISHMENT OR REPLACEMENT.

- (a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter .
- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

SEC. 13-1-82 EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

SEC. 13-1-83 CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-84 REDUCED BUILDING SETBACKS.

- (a) A setback less than the setback required may be permitted by a variance where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each site of the proposed site or, if there is no principal building within two hundred (200) feet on one (1) side, the average of the setback for the principal

building on the one (1) side and the setback required in each zoning district. The average is not to include any building now within ten (10) feet of the right-of-way.

- (b) Any modification of other setbacks, including water line setback, may only be permitted by the Board of Appeals.

SEC. 13-1-85 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.

ARTICLE G

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-90 TRAFFIC VISIBILITY.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or rail-ways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

SEC. 13-1-91 LOADING REQUIREMENTS.

- (a) **Loading Space Requirements.** On every lot on which a business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale	2,000 -10,000	1
warehouse, service	10,000 -20,000	2
manufacturing, and	20,000 -40,000	3
industrial establishments	40,000 -60,000	4
	Each additional 50,000	1
Hotels, offices	5,000 -10,000	1
hospitals, places of	10,000 -50,000	2
public assembly	50,000 -100,000	3
	Each additional 25,000	1
Funeral homes	2,500 -4,000	1
	4,000 -6,000	2
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.

- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

SEC. 13-1-92 PARKING REQUIREMENTS.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located within the fire zone as designated on the Official Map, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Design Standard.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Eleven (11) feet for thirty degree (300) parking; and twenty (20) feet for ninety degree (900) parking. Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-four (24) feet. No parking area of more than two (2) spaces shall be designed as to require an vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
 - (3) off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.
- (d) **Surfacing.** All off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds normally, a two [2] inch blacktop on a four [4] inch base of five [5] inches of Portland cement will meet this requirement). Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used with the approval of the Village Board.
- (e) **Landscaping.**
 - (1) Accessory Landscape Area. All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator .

- (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic surveyor grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) Special Residential Requirements. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
 - (5) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
 - (6) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such away as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.
 - (7) Street Setback Area. No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (f) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **Number of Stalls.** Number of parking stalls required are shown in the following table:

Use.	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, dormitories, rooming and boarding houses	1 stall for each bed
Retirement homes, orphanages, convents and monasteries area	1 stall per 2,000 feet of principal floor
Hospitals, sanitariums, institutions, and nursing homes each 3 employees	1 stall for each 3 beds plus 1 stall for rest
Medical and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 4 seats
Colleges, secondary and elementary	1 stall for each 2 employees plus 1 stall schools for each 5 students of 16 years of age or more

Restaurants, bars, clubs and lodges, entertainment	1 stall for each 3 seats and 1 space for places of each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 250 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages - see above.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and	1 space for each employee plus 1 space service stations for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

- (h) **Uses Not listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (i) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the Village Attorney shall accompany any joint use arrangement.
- (j) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (k) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district m which it is located.
- (l) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership i by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are

reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.

- (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

SEC. 13-1-93 DRIVEWAYS.

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the following requirements and must be approved as to location by the Zoning Administrator:

- (a) Island between driveway openings shall be provided with a minimum of six (6) feet between all driveways.
- (b) The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a width less than one hundred (100) feet shall be one (1) and for lots with a width greater than one hundred (100) feet shall be two (2).
- (c) Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter or other place of public assembly.
- (d) Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the property line and Thirty-five (35) feet at the roadway for all uses except the maximum curb opening for all residential districts shall be twenty-five (25) feet at the roadway.
- (e) Driveways shall be at least ten (10) feet wide for one- and two-family dwellings, at least eighteen (18) feet for farmsteads, and a maximum of thirty-five (35) feet at the roadway for all other uses except the maximum curb opening for all residential districts shall be twenty-five (25) feet.

SEC. 13-1-94 HIGHWAY ACCESS.

- (a) Highway access. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

SEC. 13-1-95 STORAGE AND PARKING OF RECREATIONAL VEHICLE.

- (a) **Definitions - Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
 - (1) **Mobile Home.** Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating air conditioning and electrical systems contained therein. Length of a mobile home means the distance from the exterior of the front wall (nearest to the exterior of

the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions or other attachments. Width of a mobile home means the distance from the exterior of one (1) side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions or other attachments.

(2) **Recreational Vehicle.** Recreational vehicle means any of the following:

- a. Travel Trailer means a vehicular, portable structure built on a chassis and on wheels that is between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
- b. Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
- c. Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self-propelled vehicle.
- d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- e. Chassis Mounts. Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- f. Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- g. Boat or Snowmobile Trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an un-mounted boat or snowmobile.

(3) **Boat.** Boat means every description of watercraft used or capable of being used as a means of transportation on water .

(4) **Yard.** Front, means that part of a lot between the front lot line and front(s) of the principal building on the lot and extended to both side lot lines.

(5) **Yard.** Rear, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.

(6) **Yard.** Side, means that part of a lot not surrounded by a building and not in the front or rear yard.

(b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property between April 1 and December 1 in the following manner:

(1) Parking is permitted inside any enclosed structure, which structure other-wise conforms to the zoning requirements of the particular zoning district where located.

(2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.

(3) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:

- a. 1. Space is not available in the rear yard or side yard, or there is not reasonable access to either the side yard or rear yard.
2. A corner lot is always deemed to have reasonable access to the rear yard.
3. A fence is not necessarily deemed to prevent reasonable access.

b. Inside parking is not possible.

c. The unit is parked perpendicular to the front curb.

(4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.

(5) No part of the unit may extend over the public sidewalk or public right-of-way.

(6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:

- a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in anyone (1) calendar year. Cooking is not permitted at any time.

- b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

State Law Reference: Section 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

SEC. 13-1-96 STORAGE OF TRACTORS AND ROAD MACHINERY.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings the following types of vehicles: vehicles in excess of sixteen thousand five hundred (16,500) pounds in total weight, tractor trailers, semi-trailers, farm tractors in excess of six (6) feet in width unless enclosed in a building, dump trucks and road machinery .Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

SEC. 13-1-97 THROUGH 13-1-99 RESERVED FOR FUIURB USE.

ARTICLE H

Signs and Billboards

SEC. 13-1-100 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.

SEC. 13-1-101 SIGNS AND BILLBOARDS - DEFINITIONS.

The following definitions are used in this Article:

- (a) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (b) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (c) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (d) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (e) **Directly Illuminated Sign.** Any sign designed to have any artificial light directly through any transparent or translucent material from a source of light Originating within or on such sign.
- (f) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (g) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning Civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (h) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (i) **Ground and/or Pole Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign.")
- (g) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (k) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (l) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (m) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (n) **Portable Sign.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another .
- (o) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than five (5) feet from the face of a wall or building.
- (p) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (q) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (r) **Temporary Sign.** Any sign intended to be displayed for a short period of time including real estate political or construction site signs and banners decorative-type displays or anything similar to the aforementioned.
- (s) **Wall-Sign.** Any sign attached to erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.

- (t) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

SEC.13-1-102 PERMITTED SIGNS.

- (a) **Signs in Residential Conservancy, Recreational and Agricultural Districts.** The following signs are permitted when located outside or the public right-of-way except as otherwise provided in this Article:
- (1) Customary professional and home occupation signs not exceeding fifteen (15) square feet, and "For Rent" or "For Sale" signs not exceeding five (5) square feet in area.
 - (2) One (1) on-premises announcement sign or bulletin board of an appropriate nature identifying a hospital, school, church or other similar facility or institution not exceeding twenty (20) square feet in area.
 - (3) Temporary signs of not more than twenty (20) square feet in area for the purpose of advertising an auction, bazaar, festival political or other special event. Signs shall be removed at the conclusion of the event.
 - (4) Off-premises signs provided they are directional only the outside dimensions of which do not exceed twenty (20) square feet, are located within a three (3) mile radius of the advertised business or activity and are not in conflict with Chapter HY 19 Wisconsin Administrative Code or Chapters 196 and 84.30 of the Wisconsin Statutes.
 - (5) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than three (3) square feet and may be located any distance outside of the public right-of-way.
 - (6) In all agricultural districts signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
 - a. Signs shall not conflict with state or federal sign regulations. (Note: It shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals.)
 - b. For signs larger than thirty-two (32) square feet, all conditions set forth in Subsection (b) shall be met.
 - c. Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
 - d. Signs: shall contain only one (1) message per face, and more than one (1) double-face or two (2) single-face signs larger than thirty-two (32) square feet per face shall be permitted.
 - e. Signs which are thirty-two (32) square feet in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than fifteen (15) feet from the right-of-way line.
 - f. No sign other than a farm identification sign as defined in Subsection (5) above shall contain a brand name, trade name, organization, co-op, union or bureau name.
- (b) **Signs in Commercial and Industrial Districts.** The following signs are permitted:
- (1) Identifying sign(s) for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:
 - a. Wall signs placed against the exterior walls of buildings shall not extend more than one (1) foot from the wall surface and shall not exceed three hundred (300) square feet in area.
 - b. Projecting signs fastened to, suspended from or supported by attached structures shall not exceed forty (40) square feet in area on a side.
 - c. Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed two hundred (200) square feet on a side and shall not exceed twenty-five (25) feet in height above the main road grade.
 - d. Roof signs shall not exceed ten (10) feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed two hundred (200) square feet on a side.
 - (2) Off-premises signs and billboards:

- a. Signs and billboards shall meet the requirements of HY 19, Wisconsin Administrative Code, or Chapters 196 and 84.30 of the Wisconsin Statutes. Signs and billboards shall meet all yard requirements for the district in which they are located, have a minimum separation of one thousand (1,000) feet from all other billboards which exceed three hundred (300) square feet in area and be directional.
- b. Signs and billboards which are not within the jurisdiction of the Wisconsin Administrative Code or Statutes shall meet the same size requirements as on-premises signs in Subsection (b)(l) above.

SEC. 13-1-103 EXCEPTIONS TO SIGN REGULATIONS.

The following signs and related items shall not be included in the application of the regulations contained in this Article:

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (c) Legal notices, identification information or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trade- marks, moving parts or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (f) Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.

SEC. 13-1-104 SIGN PERMITS REQUIRED.

- (a) **Permit Required** No persons shall erect, relocate, reconstruct or maintain or cause the aforementioned within the Village of Edgar any signs larger than five (5) square feet without first having obtained and having in force and in effect a permit therefor from the Building Inspector .
- (b) **Permits.** Signs shall not be erected or altered until a permit has been issued by the Building Inspector. Applications for a sign permit shall be made in writing upon forms furnished by the Building Inspector. The applicant shall file with the application plans and specifications and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line, and by whom it shall be erected. Permits are not required for a copy change when no change in business name is involved.
- (c) **Permit Fees.** A permit fee of Five Dollars (\$5.00) shall be paid to the Village Administrator for each sign permit issued under this Code, provided, however, that a fee shall not be charged for putting an existing sign in conformance with this Code or for a copy change when no change in business name is involved.
- (d) **Exceptions.**
 - (1) **Temporary Signs.** Permits are not required for such temporary signs as real estate (which advertises sale or rental of the premises upon which it is posted), political and construction site or similar-type signs provided such signs do not exceed twenty-five (25) square feet of display surface.
 - (2) **Window Signs.** Window signs directing attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises shall be permitted without a permit.
- (e) **Prohibited Signs.**
 - (1) No sign will be permitted that resembles the size, shape, form or color of official traffic control signs, signals or devices.
 - (2) No sign shall contain more than one hundred (100) square feet in gross area.
 - (3) No sign in a conspicuous state of disrepair shall be permitted to exist. The Village Board may order removal on a twenty (20) day public notice or immediately if public danger exists.

SEC. 13-1-105 DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (a) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village Board, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to the Board of Appeals.
- (b) Alterations. Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- (c) Violations. All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances Within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

SEC. 13-1-106 VARIANCE OR EXCEPTIONS.

Variations or exceptions to these sign regulations may be granted by the Board of Appeals and decisions by the Village Board may be appealed to the Board of Appeals.

SEC. 13-1-107 CONSTRUCTION AND MAINTENANCE REGULATION FOR SIGNS.

- (a) **Construction.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board.
- (b) **General Requirements.**
 - (1) Awnings. Lowest part of any awning shall be seven (7) feet above the sidewalk. Signs are allowed directly on the awning or hanging on the frame but not below seven (7) feet.
 - (2) Animated Signs. Signs with any moving parts, beacon lights or moving lights shall not be permitted, except revolving signs are permitted.
 - (3) Flashing Signs. Flashing signs are prohibited. Bare reflecting-type bulbs of any kind are not allowed for a flashing or non-flashing sign Unless they are properly shaded so as not to interfere with surrounding properties.
 - (4) Roof Signs. No sign shall be located so as to project above the parapet wall unless approved by the Village Board.
 - (5) Illuminated Signs. Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (6) Projection. Signs including supports shall not project beyond five (5) feet of the face of the wall to which attached.
 - (7) Blanketing. Blanketing of sign shall not be allowed.
 - (8) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean.
- (c) **Exceptions to Height and Setback Requirements.** Signs may be allowed in the setback area if they are below three (3) feet or are pole-mounted and above twelve (12) feet to the bottom of the sign. The pole diameter of pole-mounted signs shall not exceed twelve (12) inches and shall not interfere with reasonable vision clearance.
- (d) **Prohibitions.**
 - (1) No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.
 - (2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.
 - (3) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
 - (5) No sign located within one hundred fifty (150) feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.

- (5) No permanent sign shall be located closer than seventy-five (75) feet from the normal high watermark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland-wetland.
- (e) **Search Lights.** The Village Board may permit the temporary use of a search light for advertising purposes in any district provided that the search light will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (f) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of- way except for traffic control, parking and directional signs and as otherwise specified in this Chapter .

SEC. 13-1-108 SPECIFIC REQUIREMENTS.

- (a) **Temporary Sign limitations.**
 - (1) All temporary signs such as real estate, construction site and political signs shall be removed within ten (10) days after their use has discontinued.
 - (2) Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.
- (b) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 - (4) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (c) **Portable Signs.**
 - (1) Such signs shall be limited in use to thirty (30) days at a time, and not more frequently than three (3) times per year at anyone (1) location.
 - (3) The maximum size shall be twenty-five (25) square feet on each face, back- to-back.

SEC. 13-1-109 NONCONFORMING SIGNS.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Edgar limits of the date of adoption of this Chapter or r located in an area annexed to the Village of Edgar hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal, nonconforming sign and is permitted, providing it meets the following requirements:
 - (1) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance;
 - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
 - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

SEC. 13-1-110 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

All billboards, signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required in the Building Code or other Ordinances of the Village of Edgar .

SEC. 13-1-111 LIMITATIONS ON BILLBOARDS.

- (a) A billboard shall only be erected in areas that are zoned commercial or industrial.
- (b) No billboard shall be allowed within the fire zone as described on the official map.
- (c) No more than one (1) billboard back-to-back shall be erected upon one (1) lot.
- (d) The maximum size of billboards shall be three hundred sixty (360) square feet.
- (e) No billboards may be erected within eight hundred (800) feet of another existing billboard measured along or across the same right-of-way.
- (f) No billboard may be erected within one hundred twenty-five (125) feet of a residential or multiple family zoning district.
- (g) The maximum height of billboards shall be thirty (30) feet. In no event shall the maximum height of any billboard exceed the height requirements for buildings in the underlying zoning district regulations. Minimum height shall be twelve (12) feet above grade.
- (h) Roof-mounted billboards (off-premise signs) shall be prohibited.

SEC. 13-1-112 BOARD LOCATION TO PREVENT TRAFFIC HAZARD.

No billboards shall be erected within one hundred (100) feet of the intersecting right-of-way of signalized intersections, and no billboards shall be erected within fifty (50) feet of the intersecting right-of-way of all other streets.

SEC. 13-1-113 ABANDONED BILLBOARDS AND SIGNS.

Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Village Board shall give the owner sixty (60) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Village Board may take any other appropriate legal action necessary to attain compliance.

SEC. 13-1-114 THROUGH SEC. 13-1-119 RESERVED FOR FUTURE USE.

ARTICLE I

Performance Standards - Industrial Developments

SEC. 13-1-120 ARTICLE INTENT.

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

SEC. 13-1-121 NOISE

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 65 dBA from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (a) Noises not directly under the control of the property owner.
- (b) Noises from temporary construction or maintenance activities during daylight hours.
- (c) Noises from emergency, safety or warning devices.

SEC. 13-1-122 VIBRATION.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal 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.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

SEC. 13-1-123 EXTERNAL LIGHTING.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries.

SEC. 13-1-124 ODOR

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

SEC. 13-1-125 PARTICULATE EMISSIONS.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

SEC. 13-1-126 VISIBLE EMISSIONS.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

SEC. 13-1-127 HAZARDOUS POLLUTANTS.

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

SEC. 13-1-128 AND SEC. 13-1-129 RESERVED FOR FUTURE USE.

ARTICLE J

Satellite Earth Stations; Television or Radio Antenna Towers; Wind Energy Systems

SEC. 13-1-130 SATELLITE EARTH STATIONS.

- (a) **Permit Required.** No owner shall, within the Village of Edgar, build, construct, use or place any type of satellite earth stations until a permit shall have first been obtained from the Village Administrator.
- (b) **Definitions.**
- (1) For purposes of this Section, a "satellite television dish" or "earth station" is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communication system or home earth stations.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner. .
- (c) **Application.** Application for a satellite earth station permit shall be made in writing to the Village Administrator. With such application, there shall be submitted a fee of Five Dollars (\$5.00) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (d) **Installation Restrictions.** Satellite earth stations installed in any zoning district within the Village shall comply with the following provisions:
- (1) **Number of Units.** Not more than one (1) satellite earth station may be allowed per individual recorded lot except additional stations may be permitted upon application for a variance in non-residential areas.
 - (2) **Location and Setbacks.**
 - a. Any satellite dish mounting post shall only be located in the rear yard of a residential lot and at least seven (7) feet from any property line. Placement of a satellite dish in a business or industrial district shall not be allowed unless a special exception is granted by the Village Board.
 - b. If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Village Board. For corner lots a side yard is only a yard that does not face a street.
 - c. If the dish cannot receive a usable satellite signal from either the rear or side yards, it may be located only on the roof of any main or accessory building on the lot. Attachment to the roof shall be subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite television dish installation is structurally sound.
 - d. No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.
 - e. The Village Board shall determine whether a signal constitutes a usable satellite signal based on evidence provided by the person seeking a permit to erect or construct the dish.
 - (3) **Mounting.** Satellite earth stations located in agricultural or residential districts shall be ground-mounted only. Satellite earth stations may be wall or roof mounted in business or industrial districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Village may require engineering calculations.

- (4) Diameter. The diameter of the satellite television dish shall not exceed ten (10) feet for the ground-mounted dish and eight (8) feet for the roof mounted dish, except for stations used to provide community antenna television services.
- (5) Height.
 - a. A ground-mounted satellite dish may not exceed twelve (12) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted satellite dish may not exceed ten (10) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (6) Wind Pressure. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specification for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (7) Electrical Installations. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station signal to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.
- (8) Temporary Placement. No portable or trailer-mounted satellite earth stations shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding ten (10) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Village Administrator of the date when such placement shall begin and end.
- (9) Advertising. No form of advertising or identification, sign or mural is allowed on the satellite earth station other than the customary manufacturer's identification plates. The satellite dish shall not be used as a medium for advertisements, signs, murals, endorsements, etc., other than carrying the name of the manufacturer.
- (10) Interference with Broadcasting. Satellite earth station shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (11) Compliance with Federal Regulations. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Village Board as part of the application.
- (e) **Variances.** Requests for variances from the standard established by this Section may be made to the Board of Appeals pursuant to Section 13-1-193 of this Chapter.
- (f) **Enforcement.**
 - (1) It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

SEC. 13-1-132 SPECIAL USE PERMITS REQUIRED - WIND ENERGY SYSTEMS.

- (a) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (b) **Separate Permit Required for each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Village Board and Plan Commission shall base their determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Fees.** The Village Board shall, by resolution, establish fees for the processing and issuance of conditional use permits under this Article.
- (e) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical power.

SEC. 13-1-133 PERMIT PROCEDURE - WIND ENERGY SYSTEMS.

- (a) **Application.** The permit application for a wind energy system shall be made to the Village Administrator on forms provided by the Village. The application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements which system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
 - (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
 - (6) Any other information which Village officials may deem to be necessary to the proper review of the application.
 - (7) The Village Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (b) **Hearing.** Upon referral of the application, the Village Board shall schedule a public hearing thereof as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.
- (d) **Termination.** When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas! or for similar cause based upon consideration for the

public welfare, the special grant may be terminated by action of the Village Board following a public hearing thereon.

- (e) **Changes.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if, in the opinion of the Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

SEC. 13-1-134 SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures, If the system is intended to provide power to more than one (1) premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line,
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages,
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

SEC. 13-1-135 THROUGH SEC. 13-1-139 RESERVED FOR FUTURE USE.

SEC. 13-1-140 ACCESSORY USES OR STRUCTURES. Note: See Ordinance 2002-2 printed at the end of this section.

- (a) **Principal Use to be Present.** An accessory use or structure, in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulation of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions - Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
 - (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage/or/an attached garage and one (1) additional accessory building may be placed on a lot. ,
 - (2) **Accessory Building Size Limits.** Garages and other detached accessory buildings shall be less than fifteen (15) feet in height.
 - (3) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (4) **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty percent (30%) of the required rear yard or exceed eight hundred (800) square feet in area, whichever is less; or be located within three (3) feet of any other accessory building or seven (7) feet of any lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure-
- (c) **Use Restrictions - Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied .as a dwelling unit.
- (d) **Placement Restrictions - Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator .
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may - be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) , foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
 - (a) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and wind- mills shall not exceed in height twice their distance from the nearest lot line.

Village of Edgar
Ordinance 2002-2
AN ORDINANCE AMENDING VILLAGE OF EDGAR CODE OF ORDINANCES
TITLE 13, CHAPTER 1, LAND USE REGULATIONS

The Village Board of the Village of Edgar, Marathon County, Wisconsin, do ordain as follows;

SECTION I. SECTION AMENDED

SECTION 13-1-200 (Definitions) of the Village Code of Ordinances is amended to include the following definition:

SEC. 13-1-200 DEFINITIONS

Sec 13-1-200 (a) (52a) Garden Shed.

(52a) Garden Shed. A garden shed is a detached accessory building used or intended to be used for the storage of lawn mowers, garden tools, bicycles and other personal property of like nature by the occupant of the premises and shall not exceed one hundred forty four (144) square feet in area and ten (10) feet in height.

SECTION 13-1-140 (Accessory Uses or Structures) of the Village Code of Ordinances is amended to read as follows:

SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.

(b) **Placement Restrictions – Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:

- (1) **Accessory Building Number Limits.** In any residential district, in addition to the home (principal building), one (1) garage (attached or detached) may be placed on a lot. In addition, one (1) garden shed may be also be placed on the lot.
- (2) **Accessory Building Size Limits.** Garages attached to the principal structure (the home) are not restricted in size or height. They must be architecturally integrated into the principal structure and may not exceed the height of the principal structure. Detached garages are restricted to twelve hundred (1200) square feet and a maximum height of fifteen (15) feet.
- (3) **Attached Accessory Building Yard Requirements.** All garages which are attached to the principal building shall comply with the yard requirements of the principal building.
- (4) **Detached Accessory Buildings.** No detached accessory building (garage or garden shed) shall occupy any portion of the required front yard. No detached garage shall occupy more than forty percent (40%) of the required rear yard or exceed twelve hundred (1200) square feet in area, whichever is less; or be located within three (3) feet of any garden shed, or within seven (7) feet of any lot line. A garden shed shall not be located within three (3) feet of any garage or closer than three (3) feet from any lot line and shall not be nearer than ten (10) feet to the principal structure (home) unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be extended forward of the front line of the principal structure.

SECTION II. SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity to unconstitutionality shall not affect the other provision or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect following passage as provided by law.

- zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge or shrubbery along such lot line.
- (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (d) **Setback: for Residential Fences.** Fences in or adjacent to a residential property are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
 - (e) **Security Fences.** Security fences are permitted on the property liens in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (f) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
 - (g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
 - (i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall , comply with this Section.

SEC. 13-1-143 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a minimum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
 - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and cool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

- (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (d) **Setbacks and Other Requirements.**
 - (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.
- (e) **Fence**
 - (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence or wall of sufficient strength to prevent access to the pool. Such fence or wall shall, not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension.
 - (2) The pool enclosure may be omitted where the pool is installed above ground. In the case of above ground pools, the pool wall or a combination of the pool wall and a railing around and atop the pool wall shall be no less than forty-eight (48) inches above ground level, shall not have voids, holes, or openings larger than four (4) inches in one dimension, and shall be completely unobstructed on all sides.
 - (3) Access to all pools shall be restricted by a combination of fences, self- locking gates and/ or removable ladders. Gates or doors to the pool shall be kept locked and ladders shall be removed or locked into a position barring pool access at all times when the pool is not in actual use.
- (f) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.

SEC. 13-1-144 THROUGH SEC. 13-1-149 RESERVED FOR FUTURE USE.

ARTICLE L

Mobile Homes

SEC. 13-1-150 INTENT - WHERE MOBILE HOME DISTRICTS PERMITTED.

- (a) Residential-Mobile Home (R-MH) zoning districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One and Two-Family Building Dwelling Code shall not be permitted in a residential Mobile Home (R-MH) District except as a conditional use. Permits may be obtained only after approval by the Village Board.
- (c) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Edgar , except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.

SEC. 13-1-151 DEFINITIONS.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used Primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceed fifty percent (50%) of the assessable value of the mobile home. The term mobile home shall not include a factory-built structure meeting the following requirements:
 - (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (d) **Foundation Siding** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and

the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within Sixty (60) days from the date of placement on site.

- (e) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling Unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained - in Section 66.058 of the Wisconsin Statutes shall also be applicable.

SEC. 13-1-152 MOBILE HOME OCCUPANCY PERMITS.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Village Administrator within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the State and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.
- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home park or removing to another park within the Village, obtain a permit from the Village Administrator. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

SEC.13-1-153 MINIMUM DIMENSIONAL REQUIREMENTS FOR R-MH DISTRICTS AND FOR INDIVIDUAL MOBILE HOME COMMUNITIES; MINIMUM NUMBER OF LOTS OR SPACES.

- (a) Where a R-MH District is to be established for the development of a single mobile home community only, minimum area shall be five (5) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on zoned site.
- (b) These limitations shall not apply where expansion of existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

SEC. 13-1-154 PERMITTED AND PERMISSABLE USES AND STRUCTURES.

The following principal uses and structures are permitted within R-MH Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

SEC. 13-1-155 MOBILE HOME PARK DEVELOPER'S PERMIT.

- (a) No person shall construct, alter, modify or extend any mobile home park or mobile home park building or facility within the limits of the Village without first securing a mobile home park developer's

permit from the Village. Such permits shall be issued by the Village Administrator upon approval by the governing body .

- (b) Applications for mobile home park developer's permits shall be filed with the Village Administrator with sufficient copies for the Village Administrator to forward one (1) each to the Marathon County Health Department, Building Inspector, Fire Chief and Chief of Police, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and Village and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder . Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for mobile home park developer's permit shall be accompanied by a fee of One Hundred Dollars (\$100.00) to cover the cost of investigation and processing plus regular building permit fees for all buildings or structures to be erected within the proposed park.
- (d) Applications shall be made on forms furnished by the Village Administrator and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
 - d. Landscape plan showing all plantings.
 - e. Plans and specifications of all park buildings and structures.
 - (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
 - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator .
- (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Administrator and checked by the proper municipal officials for compliance before the license is issued.

SEC. 13-1-156 STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, ADDITIONS OR EXTENSIONS.

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- (a) Chapter HSS 177, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or Village.
- (b) The maximum number of mobile home spaces shall be ten (10) per acre and individual spaces shall not be less than four thousand (4,000) square feet in area and arranged to afford ample area for a variety of units, a common width of fifty (50) feet, a setback of forty (40) feet from all public rights-of-way and ten (10) feet from any park drive or common area, including common parking

- areas, ten (10) feet from all park boundary lines, twenty (20) feet from any other unit, or ten (10) feet from any accessory building. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. All drives, parking areas and walkways shall be hard-surfaced; there shall be a minimum yard setback of thirty (30) feet at all lot lines of the mobile home park; no mobile home site shall be rented for a period of less than thirty (30) days; there shall be two (2) surfaced automobile parking spaces for each mobile home; and unless adequately screened by existing vegetative cover it shall be screened by: a temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting, such as white or Norway pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
- (c) No mobile home park shall be laid out, constructed or operated without Village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.
 - (d) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every mobile home stand and park building.
 - (e) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply With all provisions of the State Code and Village Ordinances relating to plumbing and Sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
 - (f) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Fire Chief. Open burning of waste or refuse is prohibited.
 - (g) All television Cable systems, electrical and telephone distribution lines and oil or gas plumbing serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
 - (h) Each space shall be provided with a weatherproof electrical over current protection device, disconnect means and branch service of not less than sixty (60) amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for 110-220 volts.
 - (i) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
 - (j) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
 - (k) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
 - (l) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner .
 - (m) All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 - (1) All parts of the park street systems: 0.6 foot-candles, with a minimum of 0.1 foot-candles.

- (2) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 foot-candles.
- (n) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.
- (o) All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Walks in locations where pedestrian traffic is concentrated shall be a minimum of three and one-half (3-1/2) feet wide. Grade and surfacing of walks shall be approved by the Superintendent of Streets as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.
- (p) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance With this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than fifteen (15) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (q) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provided with a contiguous common recreational area not less than twenty (20) feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.
- (r) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Village Board may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats
 - (2) Club houses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- (s) No signs shall be erected in mobile home parks except signs pertaining to the lease, hire or sale of individual mobile homes not more than two (2) square feet in area and one (1) mobile home park identification sign not more than fifty (50) square feet in area at each park entrance.
- (t) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

SEC. 13-1-157 MOBILE HOME PARK OPERATOR'S LICENSE.

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the Village without a valid, unexpired mobile home park license issued by the Village Administrator and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home park licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.

- (c) The fee for a mobile home park license shall be Fifty Dollars (\$50.00) the Statute allows a minimum of Twenty-five Dollars (\$25.00) and a maximum of One Hundred Dollars (\$100.00) for each fifty (50) mobile home spaces or fraction thereof. Licenses may be transferred during a license year for a fee of Ten Dollars (\$10.00).
- (d) licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Section 66.058(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
 - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
 - (2) Conviction of any offense under the laws of the State or Ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
 - (1) All standards and requirements set forth in Section 13-1-156 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under Section 13-1-156(r).
 - (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities., including, roads, have been constructed or installed the park as required by this Chapter and are in required operating condition at the time of said application. In addition, the Chief of Police, Building Inspector, Marathon County Health Department and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
 - (4) Location and operation of the park shall comply with all zoning and land use Ordinances of the State and Village.
- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in Section 13-1-156(r) shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this Chapter.

- (g) Each applicant for an original or renewal license shall file with the Village Administrator a bond in the sum of One Thousand Dollars (\$1,000.00) for each fifty (50) mobile home spaces or fraction thereof guaranteeing the collection by the licensee of the monthly parking permit fees as provided in Title 7 of this Code of Ordinances and the compliance of licensee and the park management with the provisions of this Chapter. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereof by any person who may be injured or damaged by reason of the licensee violating any provision of this Chapter .

SEC. 13-1-158 OPERATION OF MOBILE HOME PARKS; RESPONSIBILITIES OF PARK MANAGEMENT.

- (a) For every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Village and State and their agents or officers and shall have the following duties:
- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.
 - (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
 - (3) The operator shall cooperate with local health officers in all cases of persons or animals infected or suspected of being infected with any reportable communicable disease under Sec. 145.03(2), Wis. Stats.
 - (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie downs.
 - (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - (6) Maintain the park free from growth of noxious weeds.
 - (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
 - (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent proof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
 - (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
 - (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-160(b) of this Chapter.

SEC. 13-1-159 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter .
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purpose or in connection with any mobile home unit except as specifically authorized by this Chapter.

SEC. 13-1-160 ADDITIONAL REGULATIONS ON MOBILE HOMES AND MOBILE HOME PARKS.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector or Village Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) Authorized representatives of the Village Board are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the Village.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws ordinances and regulations of the State and municipalities and their authorized agents.
- (e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Village Administrator. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings,

antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.

SEC. 13-1-161 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

SEC. 13-1-162 LIMITATIONS ON SIGNS.

In connection with Mobile Home Communities, no sign intended to be read from any public way adjoining the district shall be permitted except:

- (a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
- (b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.
- (c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
- (d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

SEC. 13-1-163 COMMON RECREATIONAL FACILITIES.

- (a) No less than ten percent (10%) of the total area of any mobile home community established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
- (b) To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- (c) Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

SEC 13-1-164 STANDARDS FOR GENERAL SITE PLANNING FOR MOBILE HOME COMMUNITIES.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to

the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

- (c) **Protection of Visibility - Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.
- (d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
 - (1) Along Public Streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used on the way to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - (2) At Edges of R-MH Districts (Other Than at Streets or Alleys). Where R-MH communities are so located that one (1) or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.
- (e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.** Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (g) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and out side buildings to intended uses and structural features. In particular:
 - (1) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) Vehicular Access to Streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less.

Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

- (3) Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles
- a. Walkways shall form a logical safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic. If an internal walkway system is provided, away from streets bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

SEC. 13-1-165 THROUGH SEC. 13-1-169 RESERVED FOR FUTURE USE.

SEC. 13-1-170 GENERAL ADMINISTRATIVE SYSTEM.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-171 ZONING ADMINISTRATOR.

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- (c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (e) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
- (f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (g) Request assistance and cooperation from the Police Department, Village Administrator, Building Inspector and Village Attorney as deemed necessary.

SEC. 13-1-172 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland Zoning map and to amend the text of this Chapter.
- (b) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article O of this Chapter for detail provisions.

SEC. 13-1-173 ZONING PERMIT.

- (a) Zoning Permit Required. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- (b) Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning

Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.

- (4) Additional information as may be required by the Zoning Administrator or Village Board.
- (c) Action.
- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

SEC. 13-1-174 CERTIFICATE OF COMPLIANCE REQUIRED.

- (a) **Certificate Required.** No vacant land hereafter developed; no building hereafter erected, relocated, moved, reconstructed or structurally altered; and no floodlands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premises or use is in conformity with the provisions of this Chapter.
- (b) **Application for Certificate of Compliance.** Application shall be made in the same manner as for a zoning permit pursuant to Section 13-1-173 and coincidental with application for Zoning and/or building permit. Application for a certificate of compliance in the floodland districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the floodland regulations set forth in this Chapter; before certificate shall issue, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.
- (c) **Existing Uses.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
- (d) **Nonconforming Uses.**
 - (1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
 - (2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

SEC. 13-1-175 SITE PLAN APPROVAL.

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Village Board in accordance with the requirements of this Section.
- (b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Village Board within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert

consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Village Board shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.

- (d) **Requirements.** In acting on any site plan, the Village Board shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants, or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section
- (e) **Effect on Municipal Services.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

SEC. 13-1-176 VIOLATIONS AND PENALTIES.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or who resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

SEC. 13-1-177 ZONING CODE FEES.

The following fees shall be applicable in this Chapter:

13-1-63 Conditional Use Applications	\$50.00
13-1-175 Site Plan Applications	50.00
13-1-182 Zoning District Changes/ Zoning Amendment Applications	50.00
13-1-190 Appeals to the Zoning Board of Appeals	50.00
13-1-193 Variance Applications	50.00

SEC. 13-1-178 THROUGH SEC. 13-1-179 RESERVED FOR FUTURE USE.

SEC. 13-1-180 AUTHORITY.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

SEC 13-1-181 INITIATION OF CHANGES OR AMENDMENTS.

The Village Board, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying Zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

SEC. 13-1-182 PROCEDURE FOR CHANGES OR AMENDMENTS.

- (a) **Application.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
 - (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
- (3) Together with additional information as may be required by the Village Board. -
- (b) **Hearings.**
 - (1) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.
- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

SEC. 13-1-183 PROTEST.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership. .
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

SEC. 13-1-184 THROUGH SEC. 13-1-189 RESERVED FOR FUTURE USE.

ARTICLE O

Appeals

SEC. 13-1-190 APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appeared from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of ordinances, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.
 - (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
 - (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

SEC. 13-1-191 HEARING ON APPEALS.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

SEC. 13-1-192 DECISIONS OF BOARD OF APPEALS.

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

SEC. 13-1-193 VARIATIONS.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
 - (2) The Village Board may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variation.** The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
 - (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property .
 - (5) Additional information required by the Village engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
 - (6) Fee receipt in the amount of Twenty-five Dollars (\$25.00).
- (c) **Public Hearing of Application.** The Village Board shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) **Action of the Board.** For the Board to grant a variance, it must find that:
 - (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

- (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Board of Appeals Action.** Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.
- (t) **Conditions.** The Village Board or the Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

SEC. 13-1-194 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

SEC. 13-1-195 THROUGH SEC. 13-1-199 RESERVED FOR FUTURE USE.